

February 6, 2007

**FILED<sup>2</sup>**

FEB 07 2007

**VIA FEDERAL EXPRESS**

Missouri Public Service Commission  
Attn: Ms. Colleen M. Dale, Secretary  
200 Madison Street, Suite 100  
Jefferson City, MO 65102-0360

**Missouri Public  
Service Commission**

**Re: Mobilitie, LLC**

Dear Ms. Dale:


On behalf of Mobilitie, LLC, I enclose for filing with the Commission (i) an original and eight (8) copies of an Application for Certificate of Service Authority to Provide Non-Switched Local Telecommunications Service and For Competitive Classification, and (ii) one (1) copy of the proposed tariff filing for this Application.

I have also enclosed one (1) extra copy of this filing, which I would appreciate being date stamped upon receipt and returned to me in the self-addressed envelope provided.

Thank you for your attention to this matter.

Yours very truly,

GREENSFELDER, HEMKER & GALE, P.C.

By   
Jason L. Ross

JLR/jlm  
Enclosures  
944439

cc w/encl: Office of the Public Counsel  
Governor Office Bldg.  
Suite 650  
200 Madison Street  
P.O. Box 2230  
Jefferson City, MO 65102-2230

FILED<sup>2</sup>

FEB 07 2007

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

Missouri Public  
Service Commission

In the matter of the Application of **Mobilitie, LLC** )  
for a Certificate of Service Authority to Provide )  
Non-Switched Local Telecommunications ) Case No. \_\_\_\_\_  
Services in the State of Missouri and to Classify )  
Said Services and Company as Competitive. )

**APPLICATION FOR CERTIFICATE OF SERVICE AUTHORITY  
TO PROVIDE NON-SWITCHED LOCAL TELECOMMUNICATIONS  
SERVICE AND FOR COMPETITIVE CLASSIFICATION**

Comes now Mobilitie, LLC, by its undersigned counsel, and hereby requests a certificate of service authority pursuant to Sections 392.361, 392.420, and 392.430 RSMo 1994, 392.410, 392.450 RSMo Supp. 1996, the Federal Telecommunications Act of 1996, and 4 CSR 240-2.060, for authority to provide non-switched local transport telecommunications services within the state of Missouri pursuant to R.S. Mo. §§ 392.410 - 392.450. In support of its application Mobilitie, LLC states as follows:

1. Applicant Mobilitie, LLC is a corporation duly organized and existing under and by virtue of the laws of the State of Nevada. See **Exhibit A** for a certified copy of Mobilitie's Certificate of Existence with Status of Good Standing, as issued by the Nevada Secretary of State. See **Exhibit B** for copy of Mobilitie's Certificate of Authority to conduct business in Missouri.
2. All inquiries, correspondence, communications, pleadings, notices, orders and decisions relating to the case should be addressed to:

John Dodge  
Davis Wright Tremaine LLP  
1919 Pennsylvania Ave. N.W. Suite 200  
Washington, D.C. 20006  
Tel. (202) 828-9805  
Fax. (202) 452-0067  
E-mail: johndodge@dwt.com

Mark Askelson  
500 Newport Center Dr.  
Suite 830  
Newport Beach, CA 92660  
Phone: (949) 999-4554  
Fax: (949) 719-2716  
Email: mark@mobilitie.com

3. By this Application, Mobilitie, LLC seeks authority to provide non-switched local transport services for wireless carriers (hereinafter referred to as "Services") throughout the State of Missouri, and requests classification as a competitive telecommunications company. Applicant proposes to provide these Services through a combination of its own facilities and facilities to be leased from a variety of telecommunications carriers. Services will be both intrastate and interstate and will rely on a technical platform known as a "Distributed Antenna System," or "DAS." A DAS consists of the following:

- (i) Base Station Hotel: The Base Station Hotel is the central location where all WSP Base Transceiver Station (BTS) equipment is installed. The Base Station Hotel also contains the Optical Conversion equipment.
- (ii) Optical Conversion Equipment: This unit converts the RF output from the BTS to an optical signal. This optical signal is then transmitted via fiber optic cable to specific Remote Node locations.
- (iii) Remote Nodes: Each Remote Node then converts the optical signal back to RF. This RF signal is transmitted over an omni-directional antenna which is typically mounted on a light post, bus stop or other municipality infrastructure. This broadband antenna broadcasts the signal for all WSP technologies.

- (iv) Access Points: A high power Access Point can be added to each Remote Node for provisioning of 802.11 data services. Data traffic is then routed to the internet through standard data equipment located in the Base Station Hotel.

The services are customized to the transport needs of individual customers.

4. Consistent with the Commission's treatment of other interexchange and non-switched local exchange services, Mobilitie, LLC requests the following statutes and regulations be waived for Mobilitie, LLC and its service offerings:

<u>Statutes</u>	<u>Missouri Public Service Commission Rules</u>
392.210.2	4 CSR 240-10.020
392.240.1	
392.270	4 CSR 240-30.040
392.280	
392.290	
392.300.2	
392.310	
392.320	
392.330	
392.340	

5. The Commission has repeatedly found that competition in the intrastate telecommunications market is in the public interest. Grant of this Application and Mobilitie, LLC's entry into the local telecommunications marketplace in Missouri will serve the public interest in a variety of ways.

The public interest will be served by expanding the availability of competitive telecommunications services that enhance the telecommunications infrastructure in Missouri, thereby facilitating economic development.

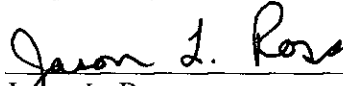
In addition, Mobilitie, LLC's RF transport services allow wireless carriers to expand the coverage of wireless services with less intrusive facilities. Traditional wireless technologies have suffered from "dead spots" and bandwidth capacity limitations. Mobilitie, LLC's combination of fiber-optics and lower height antennas helps wireless providers eliminate dead spots and increase bandwidth needed for emerging and future services, without requiring the use of large, unsightly towers. Mobilitie, LLC's RF transport services use fiber optics and small, unobtrusive antennas located primarily on existing utility and/or streetlight poles.

Finally, grant of this application will benefit the public directly – through the use of the services offered by Mobilitie, LLC – and indirectly, because the presence of Mobilitie, LLC in the market will increase the incentives for other carriers to operate more efficiently and offer more innovative service at more competitive prices.

6. Mobilitie, LLC states that (1) there are no pending actions, and have been no final unsatisfied judgments or decisions, against Applicant from any state or federal agency or court involving customer service or rates within three years of the date of this Application; and (2) Applicant has no overdue annual reports and/or assessment fees.

WHEREFORE, Applicant Mobilitie, LLC respectfully requests that the Commission grant it a certificate of service authority to provide non-switched local transport telecommunications services as herein requested, classify Mobilitie, LLC and its proposed services as competitive, and grant a waiver of the aforesaid statutes and regulations.

Respectfully submitted,



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Jason L. Ross

Missouri Bar No. 51428

Greensfelder, Hemker & Gale, P.C.

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10 South Broadway

St. Louis, MO 63102

Tel. (314) 241-9090

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E-Mail [jlross@greensfelder.com](mailto:jlross@greensfelder.com)

John Dodge

Davis Wright Tremaine LLP

1919 Pennsylvania Ave. N.W. Suite 200

Washington, D.C. 20005

Tel. (202) 828-9805

Fax. (202) 452-0067

E-mail [johndodge@dwt.com](mailto:johndodge@dwt.com)

*Its Attorneys*

Dated: February 6, 2007

### **Exhibit A**

Please find attached a certified copy of Mobilitie's Certificate of Existence with Status of Good Standing and Articles of Incorporation, as issued by the Nevada Secretary of State.

# SECRETARY OF STATE



## CERTIFICATE OF EXISTENCE WITH STATUS IN GOOD STANDING

I, DEAN HELLER, the duly elected and qualified Nevada Secretary of State, do hereby certify that I am, by the laws of said State, the custodian of the records relating to filings by corporations, non-profit corporations, corporation soles, limited-liability companies, limited partnerships, limited-liability partnerships and business trusts pursuant to Title 7 of the Nevada Revised Statutes which are either presently in a status of good standing or were in good standing for a time period subsequent of 1976 and am the proper officer to execute this certificate.

I further certify that the records of the Nevada Secretary of State, at the date of this certificate, evidence, **MOBILITIE, LLC**, as a limited liability company duly organized under the laws of Nevada and existing under and by virtue of the laws of the State of Nevada since June 18, 2003, and is in good standing in this state.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of State, at my office on July 24, 2006.



*Dean Heller*

DEAN HELLER  
Secretary of State

By

*Rhonda J.*  
Certification Clerk



**DEAN HELLER**  
*Secretary of State*

**RENEE L. PARKER**  
*Chief Deputy  
Secretary of State*

**PAMELA RUCKEL**  
*Deputy Secretary  
for Southern Nevada*

**STATE OF NEVADA**



**OFFICE OF THE  
SECRETARY OF STATE**

**CHARLES E. MOORE**  
*Securities Administrator*

**SCOTT W. ANDERSON**  
*Deputy Secretary  
for Commercial Recordings*

**ELLICK HSU**  
*Deputy Secretary  
for Elections*

**Certified Copy**

August 9, 2006

**Job Number:** C20060809-1380  
**Reference Number:** 00000930935-19  
**Expedite:**  
**Through Date:**

The undersigned filing officer hereby certifies that the attached copies are true and exact copies of all requested statements and related subsequent documentation filed with the Secretary of State's Office, Commercial Recordings Division listed on the attached report.

<b>Document Number(s)</b>	<b>Description</b>	<b>Number of Pages</b>
LLC9013-2003-001	Articles of Organization	1 Pages/1 Copies



Respectfully,

Handwritten signature of Dean Heller.

**DEAN HELLER**  
Secretary of State

By

Handwritten signature of the Certification Clerk.  
Certification Clerk

**Commercial Recording Division**  
202 N. Carson Street  
Carson City, Nevada 89701-4069  
Telephone (775) 684-5708  
Fax (775) 684-7138

ALLEN CORP.

FILED # 9013-03

0002 8 I NNR

IN THE OFFICE OF  
DEAN HELLER, SECRETARY OF STATE

**Important:** Read attached instructions before completing form.

ॐ नमो भगवते वासुदेवाय  
 श्रीमद्भगवद्गीता

**Resident Agent**  
Harris and Street

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TOP SECRET - NOFORN

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**Number Address**

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**Human Activities and Stagnation of**

१. महाराष्ट्र राज्य सरकार  
२. महाराष्ट्र राज्य सरकार

**SECRET**

**Amendments:**  
**Referred to the Committee on Education and the Labor Committee**

This form must be accompanied by appropriate fees - as attached for schedule.

\_\_\_\_\_

## **Exhibit B**

Please find attached a copy of Applicant's Certificate of Authority to do business in the State of Missouri.

# STATE OF MISSOURI



Robin Carnahan  
Secretary of State

## CERTIFICATE OF REGISTRATION FOREIGN LIMITED LIABILITY COMPANY

WHEREAS,

*MOBILITIE, LLC*  
FL0792773

Using in Missouri the name

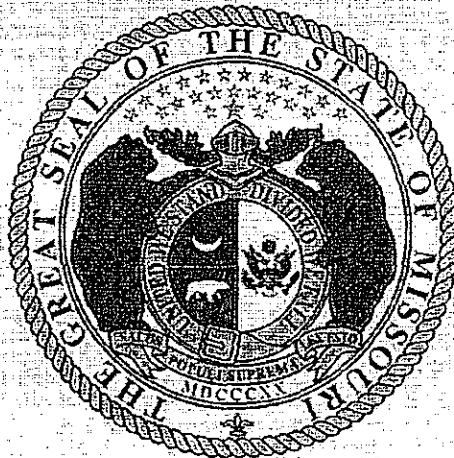
*MOBILITIE, LLC*

and existing under the laws of the State of Nevada has filed with this state its Application for Registration and whereas this Application for Registration conforms to the Missouri Limited Company Act.

NOW, THEREFORE, I, ROBIN CARNAHAN, Secretary of State of the State of Missouri, by virtue of authority vested in me by law, do hereby certify and declare that on the 29th day of January, 2007, the above Foreign Limited Liability Company is duly authorized to transact business in the State of Missouri and is entitled to any rights granted Limited Liability Companies.

IN TESTIMONY WHEREOF, I hereunto  
set my hand and cause to be affixed the  
GREAT SEAL of the State of Missouri.  
Done at the City of Jefferson, this  
29th day of January, 2007.

*Robin Carnahan*  
Secretary of State





**State of Missouri**  
Robin Carnahan, Secretary of State

Corporations Division  
P.O. Box 778 / 608 W. Main Street, Rm 332  
Jefferson City, MO 65102

File Number: 200703112101  
FL0792773  
Date Filed: 01/29/2007  
Robin Carnahan  
Secretary of State

**Application for Registration of a Foreign  
Limited Liability Company**  
(Submit with filing fee of \$105.00)

- (1) The name of the foreign limited liability company is:  
Mobilite, LLC
- (2) The name under which the foreign limited liability company will conduct business in Missouri is (must contain "limited company", "limited liability company", "LC", "LLC", "L.C.", or "L.L.C.") (must be filled out if different from line (1)):  
\_\_\_\_\_
- (3) The foreign limited liability company was formed under the laws of Nevada on the  
date of 06/18/2003  
(month/day/year) (state or jurisdiction)
- (4) The purpose of the foreign limited liability company or the general character of the business it proposes to transact in this state is:  
Real estate investment
- (5) The name and address of the limited liability company's registered agent in Missouri is (this line must be completed and include a street address):  
National Registered Agents, Inc. 300-B East High Street Jefferson City, MO 65101  
Name Address (P.O. Box may only be used in conjunction with a physical street address) City/State/Zip

The Secretary of State is appointed agent for service of process if the foreign limited liability company fails to maintain a registered agent.  
Note: failure to maintain a registered agent constitutes grounds to cancel the registration of the foreign limited liability company.

- (6) The address of the registered office in the jurisdiction organized. If none required, then the principal office address of the foreign limited liability company is:  
500 Newport Center Drive, Suite 830, Newport Beach, CA 92660  
Name Address (P.O. Box may only be used in conjunction with a physical street address) City/State/Zip
- (7) This application must include a current certificate of good standing/existence from the secretary of state or other similar official in the state of domicile. Such document should be dated within 60 calendar days from filing.

Please see next page

Name and address to return filed document:

State of Missouri  
Creation - LLC/LP 3 Page(s)

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, and Zip Code: \_\_\_\_\_



10703062003

In Affirmation thereof, the facts stated above are true and correct:

(The undersigned understands that false statements made in this filing are subject to the penalties provided under Section 575.040, RSMo)

	Mark Askelson, Manager	MEMBER	01/11/2007
<i>Authorized Signature</i>	<i>Printed Name</i>		<i>Date</i>

	<i>Authorized Signature</i>	<i>Printed Name</i>	<i>Date</i>
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	<i>Authorized Signature</i>	<i>Printed Name</i>	<i>Date</i>
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