

**BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION**

|  |   |                       |
|--|---|-----------------------|
| <b>Application of</b>                            | ) |                       |
|  | ) |                       |
| <b>Affinity Network, Inc. d/b/a ANI Networks</b> | ) |                       |
|  | ) | <b>Case No. _____</b> |
| <b>for Expansion of Its Authority to Include</b> | ) |                       |
| <b>Facilities-Based</b>                          | ) |                       |
| <b>Interexchange Telecommunications</b>          | ) |                       |
| <b>Services in the State of Missouri, for</b>    | ) |                       |
| <b>Classification of the Company and its</b>     | ) |                       |
| <b>Services as Competitive and for Waiver</b>    | ) |                       |
| <b>of Certain Statutes and Rules.</b>            | ) |                       |

**APPLICATION OF  
AFFINITY NETWORK, INC. D/B/A ANI NETWORKS**

Affinity Network, Inc. d/b/a ANI Networks (“Applicant”, “Company” or “ANI”), by its attorneys and pursuant to §§392.410, 392.430 and 392.440, RSMo., 4 CSR 240-2.060 and 4 CSR 240-3.510, and all other relevant Statutes and Regulations of the Missouri Public Service Commission (“Commission”), respectfully requests that the Commission expand the Company’s Certificate of Service Authority to include facilities-based interexchange telecommunications services in the State of Missouri. Applicant is currently authorized to provide resold interexchange services under authority granted in Docket No. TA-92-27, issued on April 5, 1993. Applicant also requests that the Commission continue to classify the Company and its services as competitive pursuant to Section 392.361 RSMo and continue to waive certain statutes and rules as authorized by Section 392.420 RSMo. In support thereof, Applicant provides the following information:

## **I. Identification of the Applicant**

1. Applicant's full name is Affinity Network, Inc. d/b/a ANI Networks and it is headquartered at 4380 Boulder Highway, Las Vegas, NV 89121. Applicant's telephone number is (702) 547-8485, its fax number is (702) 942-5005, and its email is JRenneker@aninetworks.com.

2. ANI was incorporated under California law on August 9, 1989. ANI shares common ownership with NOS Communications, Inc. and NOSVA Limited Partnership.<sup>1</sup>

3. Applicant is qualified to conduct business within the State of Missouri as a foreign corporation using the name ANI Networks. Copies of the qualifying document are attached hereto as *Exhibit A*.

4. ANI is certified or registered to provide interexchange services in the following other states: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Washington, West Virginia, Wyoming in addition to Missouri. Applications are pending in Alaska and Hawaii.

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<sup>1</sup> ANI was the party of a Transfer of Control, outlined in a Notice filed with the Commission on June 16, 2006. The Closing for this Transfer of Control is still pending regulatory clearance, but it is anticipated that Closing will take place before the end of the year.

## **II. Designated Contacts**

5. The designated contact for this application is:

Carl J. Lumley  
Leland B. Curtis  
CURTIS, HEINZ, GARRETT & O'KEEFE, P.C.  
130 South Bemiston, Suite 200  
St. Louis, Missouri 63105  
Telephone: (314) 725-8788  
Facsimile: (314) 725-8789  
clumley@lawfirmemail.com

And

Danny Adams  
Katherine E. Barker Marshall  
KELLEY, DRYE AND WARREN, LLP  
3050 K Street NW, Suite 400  
Washington, D.C. 20007  
Telephone: (202) 342-8519  
Facsimile: (202) 342-8451

6. Copies of all correspondence, notices, inquiries and orders in relation to this Application also should be sent to the following person:

Jessica Renneker, Esq.  
Director of Regulatory Affairs  
4380 Boulder Highway  
Las Vegas, NV 89121  
Telephone: (702) 547-8485  
Facsimile: (702) 942-5005

Copies of all correspondence, notice, inquiries and orders relating to consumer issues, billing issues, technical service quality issues, and customer complaint issues should be sent to:

Nazario Jureidini, Esq.  
Director of Legal Resolutions  
4380 Boulder Highway  
Las Vegas, NV 89121  
Telephone: 702-547- 8455  
Facsimile: 702-933-1759

Copies of all correspondence, notice inquiries and orders relating to tariff or pricing issues should be sent to:

Jessica Renneker, Esq.  
Director of Regulatory Affairs  
4380 Boulder Highway  
Las Vegas, NV 89121  
Telephone: (702) 547-8485  
Facsimile: (702) 942-5005

### **III. Description of Network and Authority Requested**

7. By this Application, ANI seeks authority to provide interexchange telecommunications services, as a facilities-based interexchange carrier, in the State of Missouri. Accordingly, ANI is requesting the Commission expand its current certification to include facilities-based interexchange services pursuant to Sections 392.410, 392.430 and 392.440 RSMo.

8. With respect to geographic coverage area for its intended services, ANI requests authority to operate as a facilities-based interexchange carrier on a statewide basis.

9. A proposed Tariff outlining ANI's initial facilities-based interexchange service offerings is attached as ***Exhibit B*** and submitted with a 45 day effective date as required by Commission rule. Applicant currently intends to offer services to other carriers and does not currently intend to provide services directly to residential or business customers.

#### **IV. Requested Regulatory Treatment**

10. Applicant and its services were previously classified by the Commission as competitive in Case No. TA-92-27. The Company and its services will remain competitive and the Company requests continued competitive classification for both it and its services pursuant to Section 392.361 RSMo consistent with treatment of other carriers. Additionally, as a competitive provider of telecommunications services in Missouri, Applicant respectfully requests that it be subject to the same streamlined regulatory treatment applicable to other competitive carriers.

11. Applicant is willing to comply with all applicable Commission rules. However, consistent with the Commission's treatment of other certificated competitive interexchange telecommunications companies, Applicant requests that the following statutes and regulations continue to be waived for its competitive service offerings, in accordance with § 392.420 RSMo:

##### **STATUTES**

|                    |    |   |
|--------------------|----|---|
| Section 392.210.2  | -- | Uniform System of Accounts              |
| Section 392.240(1) | -- | Rates                                   |
| Section 392.270    | -- | Valuation of Property (Ratemaking)      |
| Section 392.280    | -- | Depreciation Accounts                   |
| Section 392.290    | -- | Issuance of Securities                  |
| Section 392.300.2  | -- | Acquisition of Stock                    |
| Section 392.310    | -- | Stock and Debt Issuance                 |
| Section 392.320    | -- | Stock Dividend Payment                  |
| Section 392.330    | -- | Issuance of Securities, Debts and Notes |
| Section 392.340    | -- | Reorganization(s)                       |

##### **RULES**

|                  |    |                               |
|------------------|----|-------------------------------|
| 4 CSR 240-10.020 | -- | Depreciation Fund Investments |
| 4 CSR 240-30.040 | -- | Uniform System of Accounts    |

12. No other carrier is affected by the foregoing waiver request.

## **V. Public Interest**

13. A decision by the Commission to grant Applicant authority to provide facilities-based interexchange telecommunications services is in the public interest. Applicant is well qualified to operate as such a service provider in Missouri. Consumers of telecommunications services, in Missouri will receive the benefits of downward pressure on prices, increased choice, improved quality of service and customer responsiveness, innovative service offerings, and access to increasingly advanced telecommunications technology. The market incentives for new and existing providers of telecommunications services will be improved through an increase in the diversity of suppliers and competition within the local exchange and interexchange telecommunications market. Granting ANI's Application would enhance the development of competition in the interexchange markets and provide the consumers of Missouri with all of the benefits described above.

15. Applicant states that there are no pending actions, and have been no final unsatisfied judgments or decisions against it from any state or federal agency or court involving customer service or rate issues within three years of the date of this Application. Applicant further states that it has no overdue annual reports and/or assessment fees with the Commission.

WHEREFORE, Applicant respectfully requests that the Commission expand its current Certificate of Service Authority to include facilities-based interexchange telecommunications services in the State of Missouri.

Respectfully submitted,

**AFFINITY NETWORK, INC. D/B/A ANI NETWORKS**

By: /s/ Carl J. Lumley  
Carl J. Lumley , #32869  
Leland B. Curtis, #20550  
CURTIS, HEINZ, GARRETT & O'KEEFE, P.C.  
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and

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Washington, D.C. 20007  
Phone: (202) 342-8519  
Fax: (202) 342-8451

Attorneys for Affinity Network Inc.  
d/b/a ANI Networks

## **CERTIFICATE OF SERVICE**

I, Carl J. Lumley, certify that a true and correct copy of the foregoing Application was delivered to the following via Email or U.S. Mail, postage pre-paid, on November 27, 2006.

Office of Public Counsel  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, MO 65102  
Email: opcservice@ded.mo.gov

Office of General Counsel  
Missouri Public Service Commission  
200 Madison Street, Suite 100  
P.O. Box 360  
Jefferson City, MO 65102-0360  
Email: gencounsel@psc.mo.gov

/s/ Carl J. Lumley

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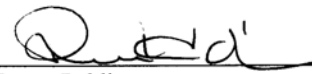
**VERIFICATION**

STATE OF NEVADA       )  
                                  )     SS.  
COUNTY OF CLARK     )

I, Joseph Koppy, being first duly sworn, depose and state that I am over the age of 21 years sound of mind, and the Chief Executive Officer and Chief Financial Officer of Affinity Network, Inc., the Applicant in the subject proceeding, and that I am authorized to make this Verification on behalf of the Applicant; that I have read the foregoing Application and know the contents thereof; and that the same is true and correct to the best of my knowledge, information, and belief. Further, I verify that the Applicant will comply with all other applicable rules and regulations. I also verify that Carl J. Lumley, Leland B. Curtis, and Curtis, Heinz, Garrett & O'Keefe, P.C., 130 S. Bemiston, Suite 200, St. Louis, Missouri 63105, are authorized to sign all pleadings and documents necessary to receive the approval of the Missouri Public Service Commission of the foregoing Application, and to represent Applicant in this proceeding.

  
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Joseph T. Koppy, CEO

Subscribed and sworn to before this 15<sup>th</sup> day of NOVEMBER, 2006.

  
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Notary Public

My Commission Expires: APRIL 18, 2010

