

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

<b>In the matter of application of</b>	)	
<b>Netelligent Corporation for a</b>	)	
<b>Certificate of Service Authority to</b>	)	
<b>Provide Resold Basic Local</b>	)	<b>Case No.</b>
<b>Telecommunications Services</b>	)	
<b>in Portions of the State of</b>	)	
<b>Missouri and to Classify Said Services</b>	)	
<b>And the Company as Competitive</b>	)	

**APPLICATION**

Netelligent Corporation (“Netelligent” or “Applicant”), by its undersigned counsel, hereby applies pursuant to Sections 392.361, 392.410, 392.420, 392.430, and 392.450 of the Revised Statutes of Missouri (“RSMo”), the Federal Telecommunications Act of 1996, 4 CSR 240-3.510 and 4 CSR 240-2.060, for authority to provide resold basic local telecommunications service in portions of the State of Missouri and to classify said service and company as competitive.<sup>1</sup> In support of its application, Netelligent states as follows:

1. Netelligent is a corporation duly organized and existing under and by virtue of the laws of the State of Delaware. A copy of Netelligent’s Certificate of Incorporation and certificate of authority from the Missouri Secretary of State to transact business in Missouri are attached hereto as Exhibit 1.

2. The principal office or place of business of Netelligent is: 400 South Woodsmill Road Suite 105, Chesterfield, MO 63017. The contact person for Netelligent is its President, Aaron Stone.

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<sup>1</sup> In addition, Netelligent will be providing Interconnected voice over Internet protocol service to its customers, but Netelligent has separately filed for registration of those services under Section 392.550 RSMo.

The name and address of Netelligent's local counsel is: Timothy McFadden, Esq., Armstrong Teasdale, LLP, One Metropolitan Square – Suite 2600, St. Louis, MO 63102-2740.

3. All inquiries, correspondence, communications, pleadings, notices, orders and decisions relating to the case should be directed to Mr. McFadden, and to Steven A. Lancellotta, Esq., Tighe Patton Armstrong Teasdale, PLLC, 1747 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20006, Phone: (202) 454-2836, Fax: (202) 454-2805; [slancellotta@tighepatton.com](mailto:slancellotta@tighepatton.com).

4. Netelligent proposes to provide resold basic local telecommunications service as a separate and distinct service within portions of the State of Missouri. Netelligent proposes to provide services to prospective customers in exchanges currently serviced by Alma Telephone, Southwestern Bell Telephone LP d/b/a AT&T Missouri, BPS Telephone, Spectrum Communications Group, LLC d/b/a CenturyTel (Spectra), CenturyTel of Missouri, Inc. d/b/a CenturyTel, CenturyTel of Northwest Arkansas, Chariton Valley Telephone, Choctaw Telephone, Citizens Telephone, Craw-Kan Telephone, Ellington Telephone, Embarq Missouri, Inc. d/b/a Embarq, FairPoint Communications, Farber Telephone, Fidelity Telephone, Goodman Telephone, Granby Telephone, Grand River Mutual Telephone, Green Hills Telephone, Holway Telephone, IAMO Telephone, Iowa Telephone, Kingdom Telephone, KLM Telephone, Lathrop Telephone, Le-Ru Telephone, Mark Twain Rural Telephone, McDonald County Telephone, Mid-Missouri Telephone, Miller Telephone, MoKan Dial, New Florence Telephone, New London (TDS) Telephone, Northeast Missouri Rural Telephone, Orchard Farm (TDS) Telephone, Ozark Telephone, Peace Valley Telephone, Rock Port

Telephone, Seneca Telephone, Steelville Telephone, Stoutland Telephone, and Windstream Missouri. The specific exchanges within which Netelligent proposes to offer service are listed in the incumbent providers respective local exchange tariffs. Netelligent may seek authority to provide this service in other areas of the state in a subsequent proceeding.

5. When it initiates service in Missouri, Netelligent proposes to offer resold basic local exchange services and basic local services obtained through commercial and/or interconnection agreements.<sup>2</sup> Such services will be provided by utilizing the facilities of other authorized local exchange carriers. Netelligent intends to provide local exchange services that may include but are not limited to:

- (a) two-way switched voice service within a local calling area;
- (b) Single line service, including installation, touchtone dialing, and any applicable mileage or zone charges;
- (c) Access to local emergency services including, but not limited to, 911 service established by local authorities;
- (d) Standard intercept service; and
- (e) Equal access to interexchange carriers consistent with rules and regulations of the Federal Communications Commission.

6. Netelligent possesses the technical and managerial expertise and experience as well as the financial resources necessary to provide the services it proposes. A brief description of the qualifications and experience of the key management employees is attached hereto as Exhibit 2. A copy of the financial information to

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<sup>2</sup> In addition, Netelligent will be offering unregulated services such as broadband Internet access services for which no authority is needed from the Missouri Public Service Commission.

demonstrate Netelligent's financial ability to provide service, Exhibit 3, contains highly confidential and proprietary information not for public viewing, and is being submitted separately with a "highly confidential" designation.

7. Netelligent respectfully requests classification as a competitive telecommunications company under Missouri law. Netelligent also requests that its services be classified as competitive.

8. Netelligent will offer basic local telecommunications service as a separate and distinct service in accordance with applicable law. Netelligent will give consideration to equitable access for Missourians, regardless of where they might reside or their income, to affordable telecommunications services in Netelligent's proposed service areas in accordance with applicable law.

9. Applicant is willing to comply with all applicable Commission rules except those which are specifically waived by the Commission, and is willing to meet all relevant service standards, including, but not limited to billing, quality of service, and tariff filing and maintenance in a manner consistent with the Commission's requirements for carriers with whom Applicant seeks authority to compete. Additionally, Applicant agrees that, pursuant to Section 392.455 (3) & (14) RSMo 2000, its service area shall be no smaller than an exchange.

10. Applicant respectfully requests that the Commission waive the application of the following rules and statutory provisions as it relates to the regulation of the Applicant:

392.210.2 Uniform System of Accounts

392.240 (1) Just and Reasonable Rates

392.270 Ascertain Property Values  
392.280 Depreciation Accounts  
392.290 Issuance of Securities  
392.300.2 Acquisition of Stock  
392.310 Issuance of Stock and Debt  
392.320 Stock Dividend Payment  
392.330 Issuance of Securities, Debts and Notes  
392.340 Reorganizations  
4 CSR 240-10.020 Depreciation Fund Income  
4 CSR 240-30.040 Uniform System of Accounts  
4 CSR 240-3.550(5) (C) File Exchange Boundary Maps

The above-referenced rules and statutory provisions have been waived for similarly situated applicants in prior cases.

11. Applicant will file any applicable tariffs bearing no less than a 45 day effective date with the Commission in a manner consistent with the Commission's practice in similar cases.

12. The Applicant has no pending actions or final unsatisfied judgments or decisions against it from any state or federal agency or court that involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of this application. No Commission annual reports or assessment fees are overdue.

13. Netelligent submits that the public interest will be served by Commission approval of this application. Netelligent's proposed services and presence in the market

will expand consumer choice for telecommunications service. The increased competition brought by Netelligent to the market will facilitate improved quality and decreased cost of telecommunications services in Missouri through innovation and efficiency.

14. Netelligent submits, notwithstanding the provisions of Section 392.500 RSMo, as a condition of certification and competitive classification, Netelligent agrees that, unless otherwise ordered by the Commission, Netelligent originating and terminating switched access charge rates will be no greater than the lowest Commission-approved corresponding rates in effect for each ILEC within those service areas Netelligent seeks authority to provide service. Additionally, pursuant to the Commission's Report and Order in Case No. TO-99-596, Netelligent agrees that if the ILEC in whose service area Netelligent is operating decreases its originating and/or terminating access service rates, Netelligent shall file an appropriate tariff amendment to reduce its originating and/or terminating access rates within thirty (30) days of the ILEC's reduction of its originating and/or terminating access rates in order to maintain the cap on switched exchange access rates.

WHEREFORE, Applicant Netelligent Corporation respectfully requests that the Commission expeditiously grant it a certificate of service to provide resold basic local telecommunications services as herein requested. Applicant also respectfully requests classification as a competitive telecommunications company and requests that its services

be classified as competitive. In addition, Applicant respectfully requests waiver of the above-referenced rules and statutory provisions.

Respectfully submitted,

/s/ Timothy McFadden  
Timothy McFadden, Esq.  
Armstrong Teasdale, LLP  
One Metropolitan Square – Suite 2600  
St. Louis, MO 63102-2740  
(314) 621-5070 (Phone)  
(314) 612-2269 (Fax)  
tmcfadden@armstrongteasdale.com  
MO Bar No. 43973

Attorney for Applicant

**EXHIBIT 1**

**CERTIFICATE OF AUTHORITY IN MISSOURI**

**CERTIFICATE OF INCORPORATION**



# STATE OF MISSOURI



Robin Carnahan  
Secretary of State

## CERTIFICATE OF AUTHORITY

WHEREAS,

*Netelligent Corporation*  
F00521160

using in Missouri the name

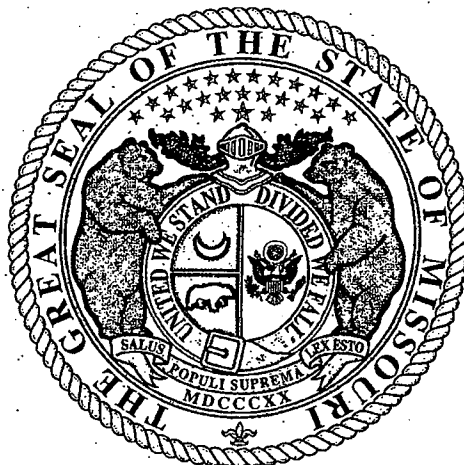
*Netelligent Corporation*

has complied with the General and Business Corporation Law which governs Foreign Corporations; by filing in the office of the Secretary of State of Missouri authenticated evidence of its incorporation and good standing under the Laws of the State of Delaware.

NOW, THEREFORE, I, MATT BLUNT, Secretary of State of the State of Missouri, do hereby certify that said corporation is from this date duly authorized to transact business in this State, and is entitled to all rights and privileges granted to Foreign Corporations under the General and Business Corporation Law of Missouri.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 9th day of May, 2003.

*Robin Carnahan*  
Secretary of State



**CERTIFICATE OF INCORPORATION**  
**OF**  
**NETELLIGENT CORPORATION**

The undersigned, being a natural person of the age of twenty one (21) or more, for the purpose of forming a Corporation under the General Corporation Law of the State of Delaware, adopts the following Certificate of Incorporation:

FIRST: The name of the Corporation is Netelligent Corporation.

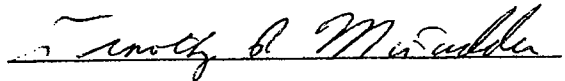
SECOND: The address of the Corporation's registered office in the State of Delaware is 1209 Orange Street, in the City of Wilmington, County of New Castle. The name of its registered agent at such address is The Corporation Trust Company.

THIRD: The purposes of the business are to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of the State of Delaware. The Corporation is to have perpetual existence.

FOURTH: The total number of shares of stock which the Corporation shall have authority to issue is 200,000 shares. All such shares are to be Common Stock at \$ .01 par value and are to be of one class. The holders of the Common Stock shall have no preemptive rights to subscribe for any shares of any class of stock of the Corporation whether now or hereafter authorized.

FIFTH: The name and mailing address of the incorporator is Timothy R. McFadden of 488 Terrington Drive, Ballwin, Missouri 63021.

THE UNDERSIGNED, being the incorporator hereinbefore named, for the purpose of forming the Corporation pursuant to the General Corporation Law of the State of Delaware, has hereunto set his hand this 30th day of April, 2003.



**EXHIBIT 2**

**EXECUTIVE OFFICERS  
QUALIFICATIONS AND EXPERIENCE**

## **Description of Technical and Managerial Resources**

### **Resource Descriptions for Managed Unified Communications Offering**

#### **Aaron Stone**

##### ***President***

Aaron brings the right combination of technical best practices and mature business judgment gained during 12+ years of diverse experience with a variety of entrepreneurial, high-technology and market-making businesses. Since founding Netelligent in 2003, Mr. Stone has built a world class team of UC engineers, project managers and customer support representatives that have proven their abilities to successfully design, implement and support enterprise class Cisco Unified Communication systems with a project investment of \$10M and up that have included 6,000+ phones and dozens of locations world-wide. In 2006, Mr. Stone launched ActiveObjects as a dedicated wholly owned subsidiary of Netelligent to develop UC Applications to complement the Cisco UC solution. In addition to his entrepreneurial spirit and proven business acumen, Mr. Stone has an impressive technical and education background which include the Cisco Certified Internetwork Expert (CCIE) certification and a BS in Mechanical Engineering from the University of IL (Urbana-Champaign).

#### **Rick Chapman**

##### ***VP, Product Development***

Rick has been designing and building multi-service IP networks and applications for nearly 12 years. Focusing mainly on real-time voice and video applications for the last 6 years, Rick is responsible for building Netelligent's next generation application platform for IP Telephony environments. Before joining Netelligent, Rick built complex solutions for the healthcare and financial industries. Rick attended the University of Missouri and holds many professional certifications from Cisco and Microsoft.

## **Engineering Resources**

**2 – CCIE – Cisco Certified Internetworking Experts**

**3 – CCNA – Cisco Certified Network Associates**

**5 – CCVP – Cisco Certified Voice Professionals**

**6 – CCNP – Cisco Certified Network Professionals**

**1 – CCSP – Cisco Certified Security Professional**

**2 – MCSE – Microsoft Certified Systems Engineers**

**2 – VCP – VMware Certified Professionals**

**1 – CISSP – Certified Information Systems Security Professional**

EXHIBIT 3


FINANCIAL INFORMATION

**\*HIGHLY CONFIDENTIAL AND PROPIETARY  
INFORMATION – NOT FOR PUBLIC VIEWING\***

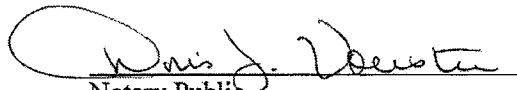
STATE OF MISSOURI     )  
                                      )  
COUNTY OF ST. LOUIS    )

VERIFICATION

I, Aaron Stone, being duly sworn, declare that I am the President of Netelligent Corporation, the Applicant. I verify that, I have knowledge of the statements in the foregoing Application and, based on information and belief, they are true and correct.

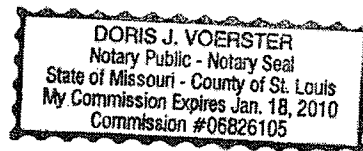
  
\_\_\_\_\_  
Aaron Stone  
President  
Netelligent Corporation

Sworn to before me, the undersigned Notary Public on this 9<sup>th</sup> day of October 2008.

  
\_\_\_\_\_  
Notary Public

Doris J. Voerster  
Print or Type Name

My Commission Expires: 1-18-2010



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Application was served electronically upon the following parties on this 17th day of October 2008.

/s/ Timothy McFadden  
Timothy McFadden  
MO Bar No. 43973

Counsel for Netelligent Corporation

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