

**Before The Public Service Commission
Of the State of Missouri**

In the matter of the Application of NewPath)
Networks, LLC for a Certificate of Service)
Authority to Provide Interexchange and)
Non-Switched Local Telecommunications)
Services)

Case No. _____

APPLICATION

Pursuant to § 392.410 R.S. Mo., 4 CSR 240-2.070 and 4 CSR 240.3.510, Applicant NewPath Networks, LLC ("NewPath") hereby submits this Application for a certificate of service authority to provide competitive interexchange and non-switched local telecommunications services in the state of Missouri. NewPath further requests that the Commission: (a) classify it as a competitive telecommunications company pursuant to R.S. Mo. § 392.361 and (2) waive certain statutes and rules as authorized by R.S. Mo. § 392.420. In support of this Application , NewPath states the following:

1. Identification of NewPath

NewPath is a limited liability company organized and existing under the laws of the state of New Jersey. NewPath's principal place of business is:

NewPath Networks, LLC
1300 N. Northlake Way
Seattle, WA 98103
Telephone: 206.550.3858
Facsimile: 206.633.2768
E-mail: mikek@newpathnetworks.net

Attached hereto as **Exhibit 1** is a copy of NewPath's certificate issued by the Office of the Missouri Secretary of State authorizing NewPath to do business in the state of Missouri.

NewPath does not intend to operate under a fictitious name in the State of Missouri.

2. Character of Business Performed by NewPath

NewPath is generally in the business of providing telecommunications services.

3. Contact Information

Communications, pleadings and correspondence pertaining to this Application should be sent to:

Michael Kavanagh
NewPath Networks, LLC
1300 N. Northlake Way
Seattle, WA 98103
Telephone: 206.550.3858
Facsimile: 206.633.2768
E-mail: mikek@newpathnetworks.net

Jason L. Ross, Esq.
Greensfelder, Hemker & Gale, P.C.
10 South Broadway, Suite 2000
St. Louis, MO 63102-1774
Telephone: 314-345-4754
Facsimile: 314-345-5499
E-mail: jlr@greensfelder.com

Jamie Hall, Esq.
Martha Hudak, Esq.
Channel Law Group, LLP
100 Oceangate, Suite 1400
Long Beach, CA 90802
Telephone: 310-667-6202
Facsimile: 562-216-5090
E-mail: Jamie.hall@channellawgroup.com
E-mail: martha.hudak@channellawgroup.com

4. Request for Service Authority

NewPath hereby requests a certificate of service authority to provide interexchange and non-switched local telecommunications within the state of Missouri, both as facilities-based services, pursuant to R.S. Mo §§ 392.410 – 392.450.

5. Description of the Services NewPath Intends to Provide

Generally, NewPath's telecommunications services will consist of providing transport of NewPath's customers' communications (both voice and data) between points designated by the customer and backhaul transport services as requested.

NewPath's initial facilities will be configured as a traditional Distributed Antenna System ("DAS"). NewPath's proposed DAS service will consist of a fiber-fed network and small antennas. The proposed service will extend wireless networks, improving quality and coverage with community-friendly solutions. NewPath proposes to provide these expanded services primarily through its own facilities but may also utilize facilities and services leased from existing carriers and other suppliers.

NewPath's customers typically are wireless carriers, that is, providers of personal wireless services or commercial mobile radio services ("CMRS"). NewPath's DAS is a "dumb pipe" for its carrier customers. Carrier customers maintain control over all aspects of any wireless communications from or to their subscribers. These aspects include frequencies, channels, and output power. NewPath's system is specifically designed as a minimally intrusive alternative to traditionally wireless antenna technologies in that utilizes an array of smaller antennas in place of larger and usually more visible antennas. NewPath offers turnkey wireless communications solutions to its customer carriers in areas where traditional network build-out is

difficult due to zoning or cost constraints. However, NewPath's services are not limited to serving any specific type of customer carrier.

NewPath's services will be available twenty-four (24) hours per day, seven (7) days per week, subject to the availability of necessary service, equipment and facilities.

NewPath will only provide transport services where technology permits. The furnishing of NewPath's service requires certain physical arrangements of equipment and facilities of NewPath and other entities and is subject to the availability of such equipment and facilities and the economic feasibility of providing such necessary equipment and facilities and transport services. NewPath will offer service subject to the availability of the necessary facilities and/or equipment. NewPath will reserve the right not to provide service to or from a location where the necessary facilities or equipment are not available.

NewPath intends to reserve the right to discontinue furnishing the service upon written notice, when necessitated by conditions beyond its control or when the customer is using the service in violation of the law.

6. Request for Classification as a Competitive Telecommunications Company

NewPath submits that the services it intends to offer as described above are competitive. Therefore, NewPath requests that it be classified as a competitive telecommunications company pursuant to R.S. Mo § 391.361.

7. Statements

NewPath states that (1) there are no pending actions, and have been no final unsatisfied judgments or decisions, against NewPath from any state or federal agency or court involving

customer service or rates within three years of the date of this Application; and (2) NewPath has no overdue annual reports and/or assessment fees.

8 Requested Waivers

NewPath requests that the Commission waive the following statutes and Commission Rules pursuant to R.S. Mo § 392.420.

Statutes

392.210.2	uniform system of accounts
392.240.1	rates-rentals-service and physical connections
392.270	valuation of property (ratemaking)
392.280	depreciation accounts
392.290	issuance of securities
392.300.2	acquisition of stock
392.310	stock and debt issuance
392.320	stock dividend payments
392.330	issuance of securities, debts and notes
392.340	reorganization

Commission Rules

4 CSR 240-10.020	depreciation fund income
4 CSR 240-30.040	uniform system of accounts

NewPath will comply with all applicable statutes and Commission Rules for which waiver is not granted.

9. Public Interest Statement

The Commission has found that competition in the intrastate interexchange telecommunications market is in the public interest. Grant of this Application and NewPath'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 also enhance the telecommunications infrastructure in the State of Missouri. This in turn, will facilitate economic development.

In addition, NewPath's RF transport services allow wireless carriers to expand the coverage of wireless services with less intrusive facilities. Traditional wireless technologies have long suffered from "dead spots" and bandwidth capacity limitations. NewPath's DAS system helps wireless providers eliminate these "dead spots" and at the same time increase bandwidth for emerging and future services, without requiring the use of large, unsightly towers and monopoles. Rather, NewPath's DAS uses 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 NewPath – and indirectly, because the presence of NewPath in the market will increase the incentives for other carriers to operate more efficiently and offer more innovative services at more competitive prices.

10. Proposed Tariff

Attached hereto as **Exhibit 2** is NewPath's proposed tariff with a proposed effective date of December 24, 2007.

WHEREFORE, NewPath respectfully requests that the Commission grant this Application, the waivers of statutes and rules requested, and approve the tariff filed herewith, and grant such other relief as the Commission deems appropriate.

Respectfully submitted,

NewPath Networks, LLC

By:


JASON L. ROSS

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Email: martha.hudak@channellawgroup.com

Its Attorneys

Date: November 7, 2007

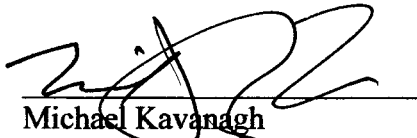
VERIFICATION

State of Washington)
County of King)

I, Michael Kavanagh, do hereby state under penalty of perjury that:

1. I am Chief Executive Officer of NewPath Networks, LLC ("NewPath");
2. I am an officer of NewPath and have the authority to bind NewPath and to execute this Verification; and
3. The contents of the foregoing Application are true, accurate and correct to the best of my knowledge, information and belief.

Signed:


Michael Kavanagh
Chief Executive Officer
NewPath Networks, LLC

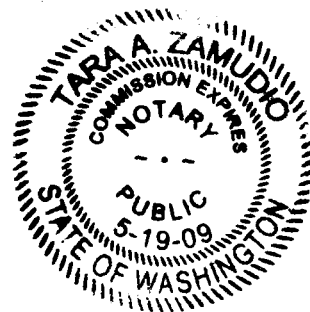
Date:

11.5.2007

Subscribed and sworn before me, a Notary Public, this 5 day of Nov. 2007.


Notary Public

My commission expires on: 5.19.09



STATE OF MISSOURI



Robin Carnahan
Secretary of State

CERTIFICATE OF REGISTRATION FOREIGN LIMITED LIABILITY COMPANY

WHEREAS,

NEWPATH NETWORKS, LLC
FL0845653

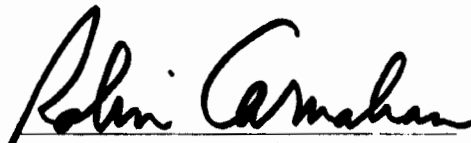
Using in Missouri the name

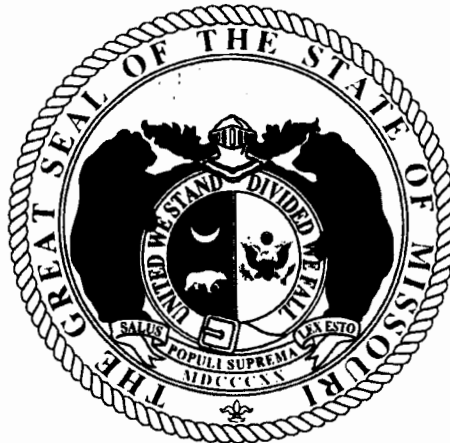
NEWPATH NETWORKS, LLC

and existing under the laws of the State of New Jersey 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 27th day of September, 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
27th day of September, 2007.


Secretary of State





State of Missouri
Robin Carnahan, Secretary of State

Corporations Division
P.O. Box 778 / 600 W. Main Street, Rm 322
Jefferson City, MO 65102

File Number:
FL0845653
Date Filed: 09/27/2007
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:
NewPath Networks, 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)):
NewPath Networks, LLC
- (3) The foreign limited liability company was formed under the laws of New Jersey on the
date of 02/06/2004
(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:
Telecommunications services
- (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):
Incorp Services, Inc. 601A Scott Valley Court 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:
George O'Brien 42 Broad Street Red Bank, NJ 077701
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:

Name: Martha Hudak, Channel Law Group, LLP
Address: 100 Oceangate, Suite 1400
City, State, and Zip Code: Long Beach, CA 90802

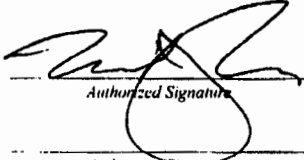
State of Missouri
Creation - LLC/LP 3 Page(s)



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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)

 <i>Authorized Signature</i>	Michael Kavanagh <i>Printed Name</i>	9.24.07 <i>Date</i>
 <i>Authorized Signature</i>	 <i>Printed Name</i>	 <i>Date</i>
 <i>Authorized Signature</i>	 <i>Printed Name</i>	 <i>Date</i>

**STATE OF NEW JERSEY
DEPARTMENT OF TREASURY
SHORT FORM STANDING**

NEWPATH NETWORKS, LLC

0600192511

I, the Treasurer of the State of New Jersey, do hereby certify that the above-named New Jersey Domestic Limited Liability Company was registered by this office on February 6, 2004.

As of the date of this certificate, said business continues as an active business in good standing in the State of New Jersey, and its Annual Reports are current.

I further certify that the registered agent and registered office are:

**George O'Brien
42 Broad Street
Red Bank, NJ 07701**



Certification# 111218677

*IN TESTIMONY WHEREOF, I have
hereunto set my hand and affixed my
Official Seal at Trenton, this
18th day of September, 2007*

A handwritten signature in cursive script, appearing to read "Michellene Davis".

**Michellene Davis
Acting State Treasurer**

Verify this certificate at
https://www1.state.nj.us/TYTR_StandingCert/JSP/Verify_Cert.jsp