

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

In the matter of the Application of Common	)	
Point for Certificate of Service Authority	)	
to Provide Local Exchange and	)	Case No. LA-2008-0278
Interexchange Telecommunications	)	
Services throughout the State of Missouri	)	
and to Classify the Company as Competitive.	)	

**AMENDED  
APPLICATION FOR CERTIFICATE OF SERVICE AUTHORITY TO PROVIDE  
LOCAL EXCHANGE AND INTEREXCHANGE  
TELECOMMUNICATIONS SERVICES  
AND FOR COMPETITIVE CLASSIFICATION**

Comes now Common Point, LLC, (“Common Point” or “Applicant”), pursuant to Sections 392.361, 392.410, 392.420, 392.430, 392.440, and 392.470, RSMo, and 4 CSR 240-2.060 and 240-3.510, and in support of its Application for a certificate of service authority to provide local exchange and interexchange telecommunications services throughout the State of Missouri, and for designation as a competitive telecommunications carrier, states to the Missouri Public Service Commission (“Commission”) as follows:

1. Common Point is a limited liability company duly organized and existing under and by virtue of the laws of Illinois. Its headquarters and principal place of business are located at 3130 Pleasant Run, Springfield, IL 62707, and its telephone number is 217/547-7087. A copy of the Applicant’s Articles of Organization and Certificate of Good Standing from the Illinois Secretary of State’s Office is attached as **Appendix A**. A copy of its Certificate of Registration to do business in Missouri is attached as **Appendix B**.

2. All inquiries, correspondence, communications, pleadings, notices, orders, and decisions relating to the case should be addressed to:

W.R. England/Brian T. McCartney  
Brydon, Swearingen & England P.C.  
312 East Capitol Avenue  
P.O. Box 456  
Jefferson City, MO 65102-0456  
573/635-7166  
573/634-7431 (facsimile)  
[trip@brydonlaw.com](mailto:trip@brydonlaw.com)  
[bmccartney@brydonlaw.com](mailto:bmccartney@brydonlaw.com)

and:

Joseph D. Murphy  
Meyer Capel P.C.  
306 West Church Street  
Champaign, Illinois 61820  
217.352.0030; 217.352.1800 voice  
217.352.9294 fax  
[jmurphy@MeyerCapel.com](mailto:jmurphy@MeyerCapel.com)

3. Common Point provides service to other telecommunications carriers. Specifically, Common Point provides tandem access to subtending wireless and local exchange carriers so that those subtending carriers can interconnect with the interexchange network and interexchange carriers can interconnect with the subtending carriers. Common Point's tandem service provides a competitive advantage to its subtending carriers through more complete and more detailed traffic records than are commonly provided by existing tandem providers. These improved records will help carriers in Missouri ensure that they have complete and accurate information from which to bill applicable access minutes, and therefore Common Point's certification in the State of Missouri is in the public interest.

4. Common Point seeks Commission certification to provide telecommunications services throughout all Missouri exchanges served by incumbent local exchange carriers (ILECs). Specifically, Common Point seeks authority to offer and provide local exchange and interexchange telecommunications services, pursuant to Sections 392.430, 392.440, and 392.470, RSMo.

5. The Commission may grant Common Point a certificate of service authority to provide local exchange and interexchange telecommunications service if the Commission finds such authority to be in the public interest. Approval of this Application will serve the public interest because Common Point's proposed services will create and enhance competition consistent with the legislative goals set forth in the federal Telecommunications Act of 1996 and Chapter 392 RSMo. Approval of this Application also will expand the availability of innovative, high quality, and reliable telecommunications services within the State of Missouri.

6. Common Point seeks classification of itself and its services as competitive. Applicant submits that the services it provides are subject to sufficient competition to justify a lesser degree of regulation, and that such lesser regulation is consistent with the protection of ratepayers and promotes the public interest. See Section 392.361. Expedient grant of this Application will expand service options and increase the competition in the provision of local exchange and interexchange services, consistent with the Commission's policies and the legislative goals set forth in the federal Telecommunications Act of 1996 and Chapter 392 RSMo. Accordingly, all of the services which Common Point proposes to provide should be designated as competitive and Common Point should be designated as a competitive telecommunications company.

7. Consistent with the Commission's treatment of other certificated alternative local exchange telecommunications companies, Common Point requests that the following statutes and regulations be waived for Common Point with respect to its local exchange and interexchange service offerings, pursuant to Sections 392.361.5 and 392.420, RSMo:

Statutes:

392.210, subsection 2, RSMo.  
392.240, subsection 1, RSMo.  
392.270, RSMo.  
392.280, RSMo.  
392.290, RSMo.  
392.300, RSMo.  
392.310, RSMo.  
392.320, RSMo.  
392.330, RSMo.  
392.340, RSMo.

Rules:

4 CSR 240-3.550(4) and (5)(A) and 5(C)  
4 CSR 240-10.020  
4 CSR 240-30.040  
4 CSR 32.060  
4 CSR 32.070  
4 CSR 32.080  
4 CSR 33.040 sections (1) through (3) and sections (5) and (10)  
4 CSR 33.045  
4 CSR 33.080(1)  
4 CSR 33.130(1)(4) and (5)

8. Common Point does not have any pending action or final unsatisfied judgment or decisions against it from any state or federal agency or court which involves customer service or rates, which action, judgment, or decision has occurred within three (3) years of the date of application.

9. Common Point does not have any overdue annual reports or assessment fees.

10. Applicant requests a temporary waiver of 4 CSR 240-3.510(1)(C), which requires that an application for a certificate of service authority to provide telecommunications services shall include a proposed tariff with a 45-day effective date, but allows applicants the option of postponing tariff submittal. Applicant will file a tariff in a manner consistent with the Commission's practices in similar cases before providing service.

WHEREFORE, applicant Common Point respectfully requests that the Commission grant it a certificate of service authority to provide local exchange and interexchange telecommunications services as herein requested, classify Common Point as a competitive telecommunications company, grant a waiver of the aforesaid statutes and regulations set forth in this Application, and for such other relief as the Commission deems appropriate.

Respectfully submitted,

/s/ Brian McCartney

Brian T. McCartney                      Mo. Bar 47788  
W.R. England, III                        Mo. Bar 23975  
BRYDON, SWEARENGEN & ENGLAND P.C.  
312 East Capitol Avenue  
P.O. Box 456  
Jefferson City, MO 65102-0456  
573/635-7166  
573/634-7431 (facsimile)  
[bmccartney@brydonlaw.com](mailto:bmccartney@brydonlaw.com)  
[trip@brydonlaw.com](mailto:trip@brydonlaw.com)

Attorneys for Common Point

**Certificate of Service**

I hereby certify that a true and correct copy of the above and foregoing document was sent by electronic submission, hand-delivered or sent by U.S. Mail, postage prepaid, this 6<sup>th</sup> day of February, 2009 to:

Office of the Public Counsel  
P.O. Box 7800  
Jefferson City, Missouri 65102

General Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, Missouri 65102

**Brian T. McCartney**

Brian T. McCartney