

ORIGINAL

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OF COUNSEL

July 9, 1999

FILED

JUL 9 1999

Missouri Public
Service Commission

TA-2000-30

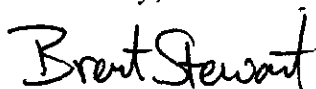
Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

Re: OPEX COMMUNICATIONS, INC.
Interexchange/Non-Switched Local Exchange Certificate Application

Dear Mr. Roberts:

Please find enclosed for filing an original and fourteen copies of the Application For Interexchange And Non-Switched Local Exchange Authority And Competitive Classification filed on behalf of Opex Communications, Inc. Applicant's proposed tariff, bearing a forty-five day effective date of August 23, 1999, is attached to the Application as Appendix B but I have also enclosed an additional three copies of the proposed tariff for the Commission's tariff file. Copies of this Application have been sent this date to the General Counsel's Office and the Office of the Public Counsel. Thank you.

Sincerely,


Brent Stewart

CBS/bt

Enclosure

cc: General Counsel's Office
Office of the Public Counsel
Patrick Crocker

0000058

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED

JUL 9 1999

Missouri Public
Service Commission

In the Matter of the Application of)
OPEX COMMUNICATIONS, INC.)
Certificate of Service Authority to Provide)
Intrastate Interexchange and Non-Switched)
Local Exchange Telecommunications Services)
to the public within the State of Missouri and for)
Competitive Classification.)

Case No. TA-2000- 30

APPLICATION FOR INTEREXCHANGE AND
NON-SWITCHED LOCAL EXCHANGE AUTHORITY
AND COMPETITIVE CLASSIFICATION

Comes now OPEX COMMUNICATIONS, INC. ("Applicant" or "SBSI"), by and through counsel, and pursuant to Sections 392.361, 392.420, 392.440 RSMo 1994, Section 392.410 RSMo Supp. 1997, and 4 CSR 240-2.060(4), files this Verified Application requesting that the Missouri Public Service Commission (hereinafter "the Commission") issue an order that:

- (a) grants Applicant a certificate of service authority to provide intrastate resold, interexchange and non-switched local exchange telecommunications services, as herein more specifically defined, pursuant to Chapter 392 RSMo;
- (b) grants competitive status to Applicant and Applicant's requested services; and
- (c) waives certain Commission rules and statutory provisions pursuant to Sections 392.420 and 392.361 RSMo 1994, consistent with the Commission's past treatment of other certificated providers of competitive interexchange/dedicated private line telecommunications services.

In support of its request, Applicant states that:

1. Applicant is a corporation formed and operating under the laws of the State of Illinois and is duly authorized to transact business in the State of Missouri. Pursuant to the relevant provisions of 4 CSR 240-2.060, a certificate of authority from the Missouri Secretary of

State's Office is attached hereto and incorporated herein by reference as Appendix A. Applicant's principal place of business is 500 East Higgins Road, Elk Grove Village, Illinois 60007 and its telephone number is (888) 577-7266.

2. All communications, notices, orders and decisions respecting this Application and proceeding should be addressed to:

Charles Brent Stewart
Stewart & Keevil, L.L.C.
1001 Cherry Street
Suite 302
Columbia, Missouri 65201
(573) 499-0635
(573) 499-0638 (fax)

Patrick D. Crocker
Early, Lennon, Peters & Crocker, P.C.
900 Commerica Building
Kalamazoo, Michigan 49007-4752
(616) 381-8844
(616) 349-8525 (fax)

with a copy to:

Sean Trepeta, President
OPEX COMMUNICATIONS, INC.
500 East Higgins Road
Elk Grove Village, Illinois 60007
(888) 577-7266

Questions concerning Applicant's ongoing operations should be directed to Mr. Trepeta at the above address and phone number. Questions regarding Applicant's proposed tariff should be directed to Mr. Stewart.

3. By this Application, Applicant proposes to provide various types of intrastate interexchange and non-switched private line telecommunications services throughout the state of Missouri on a resold basis. At this time Applicant is seeking authority to provide non-switched, dedicated private line services. Specifically, Applicant seeks authority to provide a full range of "1 + " interexchange services, MTS, out-WATS, in-WATS, and Calling Card Services, and where appropriate, non-switched local exchange/private line services. Applicant provides

telecommunications services to small and medium volume business users. Applicant combines high quality transmission services with very competitive rates, flexible end user billing, professional customer service and excellent reporting to create a unique blend which meets individualized needs of such business customers. Applicant intends to engage in "switchless resale". Applicant will arrange for the traffic of underlying subscribers to be routed directly over the networks of Applicant's network providers. Pursuant to 4 CSR 240-2.060(4)(H), Applicant's proposed tariff bearing an effective date of August 20, 1999 is attached hereto and incorporated herein by reference as Appendix B.

4. Applicant requests that it and all its services proposed herein be classified as competitive. Applicant's proposed services herein fall within the category of the types of services which have routinely been authorized by the Commission for numerous other competitive carriers upon verified application without the need for evidentiary hearings. Applicant's proposed services will be subject to sufficient competition to justify a lesser degree of regulation; granting this Application will allow greater price and service options for telecommunications customers and will be in the public interest. Granting Applicant's requested competitive classifications is consistent with past Commission treatment of other competitive certificated interexchange/private line carriers and will encourage competition consistent with the public policy of Federal Telecommunications Act of 1996 and Chapter 392 RSMo.

5. Applicant is willing to comply with all applicable Commission orders, rules and regulations. Applicant requests however, pursuant to Section 392.440 RSMo 1994, that the Commission at minimum waive the application of the following rules and statutory provisions as they relate to the regulation of Applicant to the extent that they previously and routinely have been waived for other certificated competitive interexchange/private line carriers:

Statutes

392.240(1)--ratemaking
392.270--valuation of property (ratemaking)
392.280--depreciation accounts
392.290--issuance of securities
392.310--stock & debt issuance
392.320--stock dividend payment
392.330--issuance of securities, debts and notes
392.340--reorganizations

Commission Rules

4 CSR 240-10.020	--depreciation fund income
4 CSR 240-30.010(2)(C)	--rate schedules
4 CSR 240-30.040	--Uniform System of Accounts
4 CSR 240-32.030(1)(B)	--exchange boundary maps
4 CSR 240-32.030(1)(C)	--record keeping
4 CSR 240-32.030(2)	--in-state record keeping
4 CSR 240-32.050(3)	--local office record keeping
4 CSR 240-32.050(4)	--telephone directories
4 CSR 240-32.050(5)	--call intercept
4 CSR 240-32.050(6)	--telephone number changes
4 CSR 240-32.070(4)	--public coin telephone
4 CSR 240-33.030	--minimum charges rule
4 CSR 240-33.040(5)	--financing fees

6. Applicant is financially capable of providing the services proposed. Applicant also possesses the necessary technical and managerial expertise and experience necessary to provide the services it proposes to offer at standards that will meet or exceed all service standards established by the Commission.

WHEREFORE, Applicant respectfully requests that the Commission: 1) expeditiously grant it a certificate of service authority to provide intrastate, resold interexchange and non-switched local exchange telecommunications services within the State of Missouri; 2) grant Applicant and its proposed services competitive status; and 3) waive the application of the above-referenced statutes and Commission rules; all consistent with past Commission practice and the Commission's treatment of other certificated, competitive providers of intrastate interexchange and non-switched local exchange telecommunications services.

Respectfully submitted,

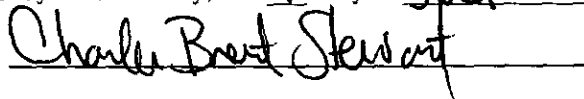


Charles Brent Stewart MoBar, #34885
STEWART & KEEVIL, L.L.C.
1001 Cherry Street, Suite 302
Columbia, Missouri 65201
(573) 499-0635

ATTORNEY FOR APPLICANT
OPEX COMMUNICATIONS, INC.

CERTIFICATE OF SERVICE


I hereby certify that a copy of the foregoing Verified Application has been sent this date to the General Counsel's Office and the Office of the Public Counsel by hand-delivery, this 9th day of July, 1999.



VERIFICATION

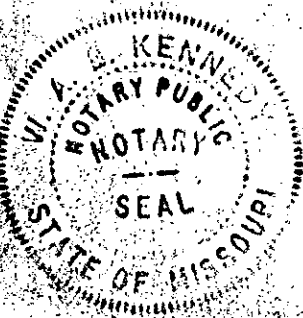
Sean Trepeta, President of OPEX COMMUNICATIONS, INC., first being duly sworn on oath, deposes and says that he has read the foregoing Application and verifies that the statements made therein are true and correct to the best of his knowledge, information and belief.

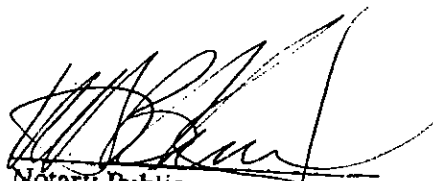
BY:


Sean Trepeta
President

The foregoing instrument was acknowledged before me this 9th day of July, 1999
by Sean Trepeta.

W. A. B. Kennedy
Notary Public, State of Missouri
County of Boone
My Commission Expires 03/11/00




Notary Public
For the County of Boone
My Commission expires 03/11/00

APPENDIX A

STATE OF MISSOURI



Rebecca McDowell Cook
Secretary of State

CORPORATION DIVISION
AMENDED CERTIFICATE OF AUTHORITY
OF A FOREIGN CORPORATION

WHEREAS,

OPEX COMMUNICATIONS, INC.

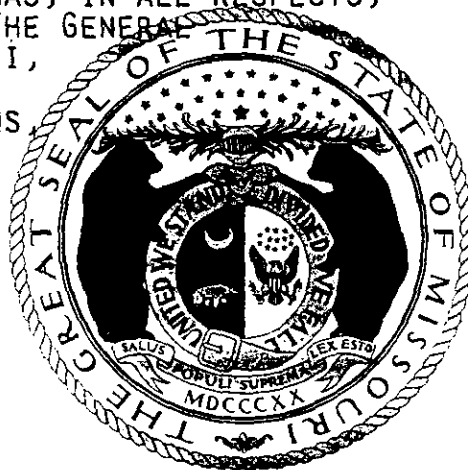
FORMERLY,

PREMIERCOM, INC.

INCORPORATED UNDER THE LAWS OF THE STATE OF ILLINOIS AND NOW IN EXISTENCE AND IN GOOD STANDING IN SAID STATE, AND QUALIFIED TO TRANSACT BUSINESS IN MISSOURI HAS DELIVERED TO ME, DULY AUTHENTICATED EVIDENCE OF AN AMENDMENT TO ITS ARTICLES OF INCORPORATION AS PROVIDED BY LAW, AND HAS, IN ALL RESPECTS, COMPLIED WITH THE REQUIREMENTS OF THE THE GENERAL AND BUSINESS CORPORATION LAW OF MISSOURI, GOVERNING AMENDMENTS TO THE ARTICLES OF INCORPORATION OF FOREIGN CORPORATIONS AND IN ACCORDANCE THEREWITH ISSUE THIS CERTIFICATE OF AMENDMENT.

IN TESTIMONY WHEREOF, I HAVE SET MY HAND AND IMPRINTED THE GREAT SEAL OF THE STATE OF MISSOURI, ON THIS, THE 21ST DAY OF MAY, 1999

Rebecca McDowell Cook
Secretary of State



\$25.00



State of Missouri

Judith K. Moriarty, Secretary of State
P.O. Box 778, Jefferson City, Mo. 65102

Corporation Division

FILED

AND AMENDED CERTIFICATE OF
AUTHORITY ISSUED

Application for an Amended Certificate of Authority for a Foreign Corporation

MAY 21 1999

(Submit in duplicate with filing fee of \$20.00)

Rebecca McDowell Cook
SECRETARY OF STATE

The below corporation, relating to amending its certificate of authority of Foreign Corporation, does hereby state:

(1) Its name is: PREMIERCOM, INC.

and is incorporated in the State of: ILLINOIS; and it was qualified

in the State of Missouri on 5/18/98
(month/day/year)

(2) By appropriate corporate action on: _____, the corporation:
(month/day/year)

(1) Changed its corporate name to: OPEX COMMUNICATIONS, INC.

Name it will use in Missouri if new name not available: _____

(2) Changed its period of duration to: _____

(3) Changed the state or country of its incorporation to: _____

(3) There is attached hereto a Certificate of the Secretary of State of the State of _____
relating to the amendment(s), set forth in item 2 above and showing that the Corporation is in existence
and in good standing in said State.

(4) The effective date of this document is the date it is filed by the Secretary of State of Missouri, unless you
indicate a future date, as follows: _____
(Date may not be more than 90 days after the filing date in this office)

In affirmation thereon, the facts stated above are true.

[Signature]
(Authorized signature of officer or chairman of the board)

President
(Title)

5/13/99
(Date of signature)

Attached is a current certificate attesting to the change, duly authenticated by the secretary of state
or other official having custody of corporate records in the state or country of incorporation.

APPENDIX B