

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

IN RE:	)	
	)	
APPLICATION OF VOICECOM	)	
TELECOMMUNICATIONS, LLC FOR	)	CASE NO. _____
A CERTIFICATE OF SERVICE	)	
TO PROVIDE INTRASTATE RESALE	)	
OF TELECOMMUNICATIONS SERVICES	)	
WITHIN THE STATE OF MISSOURI	)	

**APPLICATION OF VOICECOM TELECOMMUNICATIONS, LLC**

**COMES NOW** Voicecom Telecommunications, LLC (the “Applicant”), a Delaware limited liability company, and hereby applies to the Missouri Public Service Commission (the “Commission”) for a Certificate of Service Authority, to provide competitive intrastate resale of long distance telecommunications services between and among locations within the State of Missouri, pursuant to Section 392.440, RSMo 2000. In compliance with the Commission’s Rules and Regulations, the following information is provided.

**1. DESCRIPTION OF THE APPLICANT**

- 1. Applicant’s Name and Address.** Applicant’s correct name and address are:

Voicecom Telecommunications, LLC  
5900 Windward Parkway, Suite 500  
Alpharetta, Georgia 30005  
Tel: 770-325-8000  
Fax: 770-663-5488

- 2. Applicant’s Corporate Structure.** Applicant is a wholly-owned subsidiary of Voicecom Telecommunications, Inc., a Delaware corporation. A Copy of Applicant’s Delaware Certificate of

Formation and Certificate of Authority to transact business in the State of Missouri are attached hereto at Exhibit "A" and incorporated herein by reference.

3. **Regulatory Contact Personnel.** Correspondence and communications concerning this Application and tariff may be directed to:

Dan Mell  
Chief Financial Officer  
Voicecom Telecommunications, LLC  
5900 Windward Parkway, Suite 500  
Alpharetta, Georgia 30005  
Tel: 770-325-8000  
Fax: 770-663-5488

with a copy to:

Charles A. Hudak, Esq.  
Friend, Hudak & Harris, LLP  
Three Ravinia Drive, Suite 1450  
Atlanta, Georgia 30346-2131  
Tel: (770) 399-9500  
Fax: (770) 395-0000

and a copy to Applicant's in-state counsel:

James M. Fischer, Esq.  
Fischer & Dority, P.C.  
101 Madison, Suite 400  
Jefferson City, Missouri 65101  
Telephone: (573) 636-6758  
Facsimile: (573) 636-0383

Mr. Hudak should be contacted in connection with questions regarding Applicant's general operation and management, as well as any tariff-related matters.

## **II. DESCRIPTION OF APPLICANT'S PROPOSED SERVICES**

4. **Description of Proposed Services.** Applicant proposes to offer switched, intrastate, long distance telecommunications resale services to residential and business subscribers in Missouri. Services consist of: (i) "Prepaid Calling Card Service" whereby customers use prepaid calling cards

to originate outbound, direct dial calls, via Company provided toll free telephone numbers in order to complete switched telecommunications calls between points within the State of Missouri; (ii) “Calling Card Service” whereby customers utilize Applicant’s service to originate outbound, direct dial calls, via Company-provided toll free telephone numbers in order to complete switched telecommunications calls between points within the State of Missouri; and (iii) “Voicecom Personal Assistant Service” whereby customers are provided with a unique 800, 888 or 877 access number by which the customer may be reached toll free by callers. Upon receiving a call to a Customer’s personal assistant access code, the personal assistant service attempts to locate the Customer at certain designated telephone numbers. In addition, the Voicecom Personal Assistant Service permits customers to obtain access to voice and facsimile mail services, long distance services, conference calling services and information services.

Applicant intends to bill its customers directly for long distance telecommunications resale services. The charges, based upon the rates which will be set forth in Applicant’s tariff, Applicant’s name, and its toll free telephone number for customer assistance will appear on all monthly customer statements. In addition, customers may contact Applicant’s customer service representatives regarding a broad range of service matters, including: (i) the types of services offered by Applicant and the rates associated with such services; (ii) monthly billing statements; and (iii) problems or concerns pertaining to the customer’s current service. Applicant’s customer service representatives will be available to assist customers twenty-four (24) hours per day, seven (7) days per week.

**5. Applicant’s Tariff.** Applicant intends to offer its services throughout the State of Missouri and proposes to offer those services in accordance with its tariff, as approved by the Commission. Applicant’s tariff, containing the rules and regulations applicable to its customers, a description of services offered and a list of rates associated with such services, is being filed simultaneously with

the Application and has a forty-five (45) day effective date. Applicant's tariff is attached hereto at Exhibit "D".

### **III. APPLICANT'S TECHNICAL, FINANCIAL AND MANAGERIAL QUALIFICATIONS**

6. **Technical and Managerial Expertise.** Applicant has sufficient technical and managerial ability to provide the services for which authority is requested in this Application. Descriptions of Applicant's management personnel, which demonstrate Applicant's technical and managerial capability, are attached hereto at Exhibit "C". Applicant is currently authorized, or has filed applications for authority, to resell telecommunications services in all fifty states. Applicant has not been denied authority to provide intrastate telecommunications services by any state regulatory authority.

7. **Financial Capability.** Applicant possesses sufficient financial capability to provide its long distance telecommunications services in a continuous manner. Applicant's financial statements are attached hereto at Exhibit "B".

8. Applicant requests classification as a competitive telecommunications company within the State of Missouri. Applicant further requests classification of the services described in its proposed tariff as competitive services.

9. Applicant will not unjustly discriminate among its subscribers, as prohibited by Section 392.200.

10. Pursuant to Section 386.570, Applicant will comply with all applicable Commission rules, except those the Commission specifically waives in response to Applicant's request.

11. Applicant respectfully requests, pursuant to Section 392.420, that the Commission suspend, waive or modify the application of the following rules and statutory provisions, as they relate to the regulation of Applicant as an interexchange company:

<u>Rule/Statute</u>	
4 CSR 240-10.020	Depreciation fund income.
4 CSR 240-30.040	Uniform system of accounts
Section 392.210(2)	Uniform System of Accounts.
Section 392.240(1)	Rates – Reasonable average return on investment.
Section 392.270	Property valuation.
Section 392.280	Depreciation rates.
Section 392.290	Issuance of securities.
Section 392.300(2)	Acquisition of Stock.
Section 392.310	Issuance of stocks and bonds.
Section 392.320	Stock dividends.
Section 392.330	Issuance of securities; debts and notes.
Section 392.340	Reorganization(s).

These rules and statutory provisions are principally designed to apply to non-competitive telecommunications carriers and are unnecessary for companies who operate in a fully competitive environment. It would be inconsistent with the goal and purpose of Section 392.530 to apply them to a competitive telecommunications carrier such as Applicant. The Commission previously has waived these rules and statutory provisions for other applicants.

**12. Procedure To Prevent Slamming.** Applicant has not been denied authority to provide intrastate telecommunications services in any state and has not been subject to any regulatory penalties for violation of state or federal telecommunications statutes, rules or regulations (*e.g.* slamming). Applicant exercises efforts to comply with all federal and state telecommunications regulatory requirements, including those applicable to slamming. However, Applicant only provides calling card services. Applicant does not provide, and does not intend to provide, any presubscribed long distance services. Because Applicant does not provide any presubscribed long distance services, Applicant does not have the ability to change a customer's presubscribed provider (with or without the customer's consent) or to even provide a service comparable to that of such presubscribed provider of long distance services.

**13.** Applicant has no annual reports or regulatory assessment fees that are overdue in Missouri.

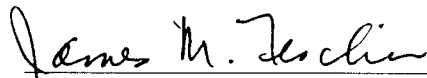
14. Applicant has no pending actions of final unjustified judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of the Application.

#### **IV. ARGUMENT IN SUPPORT OF APPLICATION**

15. **Public Interest, Convenience and Necessity.** Commission approval of Applicant's Application is in the public interest. Grant of Applicant's request for authority to provide the telecommunications services described herein will increase competition for consumers of such services within the State of Missouri. Competition, in turn, will encourage efforts by other certificated telecommunications providers to broaden the range of choices for Missouri consumers of long distance telecommunications services. Applicant submits that, based on the information supplied herein, its proposed service offerings will provide Missouri consumers with high quality products and services at reasonable rates while encouraging innovation and efficiency among all providers of telecommunications products and services in the state.

**WHEREFORE**, Voicecom Telecommunications, LLC respectfully requests the Missouri Public Service Commission to grant it a Certificate of Service Authority authorizing to provide competitive resold intrastate telecommunications services within the State of Missouri; an order classifying Applicant as a competitive telecommunications company providing competitive services; and order suspending, waiving or modifying the above-referenced rules and statutory provisions, as they relate to the registration of Applicant in the State of Missouri; an order approving Applicant's tariff and the rates proposed therein; and such other orders and further relief that the Commission deems appropriate.

Respectfully submitted this 20<sup>th</sup> day of October, 2005.



James M. Fischer, Esq. MBN 27543  
Fischer & Dority, P.C.  
101 Madison, Suite 215  
Jefferson City, Missouri 65101  
Telephone: (573) 636-6758  
Facsimile: (573) 636-0383  
Email: jfischerpc@aol.com

and

Charles A. Hudak, Esq.  
Friend, Hudak & Harris, LLP  
Three Ravinia Drive  
Suite 1450  
Atlanta, GA 30346-2131  
Tel: (770) 399-9500  
Fax: (770) 395-0000

COUNSEL FOR VOICECOM TELECOMMUNICATIONS, LLC

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered or mailed postage prepaid, this 20<sup>th</sup> day of October, 2005, to:

Office of the Public Counsel  
Governor Office Building  
P.O. Box 2230  
Jefferson City, Missouri 65102

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

**/s/ James M. Fischer**

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James M. Fischer



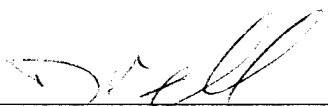
**BEFORE THE**  
**MISSOURI PUBLIC SERVICE COMMISSION**

IN RE:	)	
	)	
APPLICATION OF VOICECOM	)	
TELECOMMUNICATIONS, LLC FOR	)	
A CERTIFICATE OF AUTHORITY	)	DOCKET NO. _____
TO PROVIDE COMPETITIVE	)	
INTRASTATE RESALE OF	)	
TELECOMMUNICATIONS SERVICES	)	
WITHIN THE STATE OF MISSOURI	)	

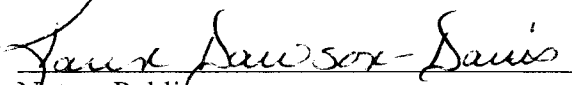
**VERIFICATION**

The undersigned attests that he has reviewed this filing on behalf of Voicecom Telecommunications, LLC ("Applicant") in the above-mentioned proceeding; that it appears to be true and correct; and that it is hereby adopted on behalf of Applicant. By this application, and by participating in all proceedings necessary to effect certification, Applicant hereby asserts its willingness and ability to comply with all rules and regulations that the Missouri Public Service Commission may impose subject to Missouri law as now or hereafter enacted.

**VOICECOM TELECOMMUNICATIONS, LLC**

  
\_\_\_\_\_  
**Dan Mell**  
**Chief Financial Officer**

This document was signed in my presence  
on the 17<sup>th</sup> day of October, 2005.

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

**Notary Public, Cobb County, Georgia**  
**My Commission Expires May 25, 2008**

EXHIBIT "A"

CERTIFICATE OF FORMATION

AND

CERTIFICATE OF AUTHORITY TO TRANSACT BUSINESS  
IN MISSOURI

# STATE OF MISSOURI



Matt Blunt  
Secretary of State

**CORPORATION DIVISION  
CERTIFICATE OF GOOD STANDING**

I, MATT BLUNT, Secretary of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

**VOICECOM TELECOMMUNICATIONS, LLC**

using in Missouri the name

**VOICECOM TELECOMMUNICATIONS, LLC  
FL0072454**

a DELAWARE entity was created under the laws of this State on the 22nd day of October, 2002, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 17th day of November, 2004

A handwritten signature of Matt Blunt in black ink.

Secretary of State



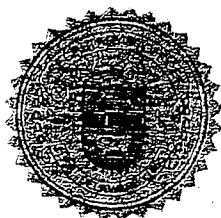
Certification Number: 7177691-1    Reference:  
Verify this certificate online at <http://www.sos.mo.gov/businessentity/verification>

# Delaware

PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF FORMATION OF "VOICECOM TELECOMMUNICATIONS, LLC", FILED IN THIS OFFICE ON THE TWENTY-SIXTH DAY OF FEBRUARY, A.D. 2002, AT 9 O'CLOCK A.M.



*Harriet Smith Windsor*  
Harriet Smith Windsor, Secretary of State

3496386 8100

020130664

AUTHENTICATION: 1635635

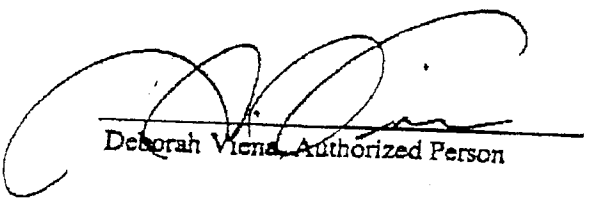
DATE: 02-27-02

CERTIFICATE OF FORMATION  
OF  
VOICECOM TELECOMMUNICATIONS, LLC

1. The name of the limited liability company is Voicecom Telecommunications, LLC.

2. The address of its registered office in the State of Delaware is 2711 Centerville Road, Suite 400, in the City of Wilmington, County of New Castle 19808. The name of its registered agent at such address is Corporation Service Company.

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Formation of Voicecom Telecommunications, LLC this ~~24~~ day of February 2002.

  
Deborah Viena, Authorized Person

STATE OF DELAWARE  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
FILED 09:00 AM 02/26/2002  
020130664 - 3496386

EXHIBIT “B”

FINANCIAL INFORMATION

PROPRIETARY

EXHIBIT "C"

TECHNICAL AND MANAGERIAL INFORMATION

**BIOGRAPHICAL STATEMENTS FOR DIRECTORS AND OFFICERS OF**  
**VOICECOM**

**Kevin Moran, President**

Kevin M. Moran is president of VTL. Mr. Moran joined Premiere in 1995 as Director of Wholesale Service, having over ten years of experience in business development, operations management, and strategic alliance formation. Prior to joining the company, Mr. Moran was a Southern Regional Sales manager with the Williams Companies' subsidiary, Wiltel Network Services, a predecessor of Worldcom, Inc.

Mr. Moran holds a B.S. from the University of Tulsa.

**Dan Mell, VP, Chief Financial Officer**

Dan Mell is the Chief Financial Officer for VTL. Mr. Mell joined VTL in 1995 as manager of International Business Development, and has sixteen (16) years of experience in the telecommunications industry. Prior to VTL, Mr. Mell held several positions with Nortel Networks in its finance organization.

Mr. Mell holds a Masters of Business Administration degree in Finance and Accounting from McGill University in Montreal, Canada.

**Keith Cumming, VP, Finance & Controller**

Keith Cummings is the VP of Finance and Controller of Voicecom. Mr. Cummings has fourteen (14) years of experience in the accounting and finance field. Prior to his work with the Company beginning in 1998, Mr. Cummings provided financial and accounting functions for both AT&T and BellSouth. He also worked in the public accounting arena for PriceWaterhouseCoopers.

Mr. Cummings is a Certified Public Accountant, and holds a Masters of Business Administration degree in Finance from Georgia State University in Atlanta.

**Jerry Hooks, VP Operations**

Jerry Hooks is the VP of Operations for VTL, having responsibility for all Network Operations, as well as technical support. Prior to joining Voicecom, Mr. Hooks served as VP, Customer Support and network Operation Officer for Intermedia Communications, a Worldcom company. Mr. Hooks career has also included various engineering, design technology, operations, and customer service assignments with Vista-United Telecommunications and The Disney Company, spanning 26 years.

Mr. Hooks earned his certificate in Executive Business Management from Rollins College in 1986.



EXHIBIT "D"

PROPOSED TARIFF