

FISCHER DORITY

PROFESSIONAL CORPORATION

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October 27, 2004

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street, Suite 100
P.O. Box 360
Jefferson City, Missouri 65102

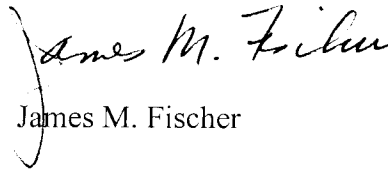
RE: *In the Matter of the Application of Network PTS, Inc. for a Certificate of Service Authority to Provide Competitive Intrastate, Interexchange and Operator Assisted Telecommunications Services within the State of Missouri, Case No. Tariff Tracking No. .*

Dear Mr. Roberts:

Enclosed for filing in the above-referenced matter is the original of the Application of Network PTS, Inc. in the above-referenced matter. Simultaneously, the Applicant is also filing its proposed tariff. The Tariff has a 45-day effective date. A copy of the attached Application and Tariffs has been emailed, hand-delivered or mailed this date to each party of record.

Thank you for your attention to this matter.

Sincerely,



James M. Fischer

Enclosures

cc: Office of the Public Counsel
Dana K. Joyce, General Counsel

In the matter of the Application of)
Network PTS, Inc.)
for a Certificate of Authority To Provide) Case No. _____
Competitive Intrastate Interexchange and Operator)
Assisted Telecommunications Service)
within the State of Missouri)

COMES NOW Network PTS, Inc. ("Network PTS" or "Applicant"), and respectfully requests a Certificate of Service Authority to provide competitive intrastate interexchange and operator assisted telecommunications services between and among locations within the State of Missouri pursuant to Section 392.440 RSMo (2000)¹, an order classifying Applicant as a competitive telecommunications carrier, and an order waiving or suspending certain Commission rules and statutory provisions pursuant to Section 392.440, and an order waiving or suspending certain Commission rules and statutory provisions pursuant to Section 392.420. In support of its request, Applicant provides the following information:

- Network PTS, Inc.
14472 Wicks Boulevard
San Leandro, California 94577
Telephone: 510-347-3661
Facsimile: 510-618-1247
Toll-Free: 888-420-6700

¹. All statutory references are to revised statutes of Missouri, 2000, unless otherwise noted.

2. Network PTS provides operator-assisted services to transient customers of aggregator locations such as pay telephones. The Company requests authority to provide such communications service for calls originating and terminating within the State of Missouri. The Company's services are available twenty-four (24) hours per day, seven (7) days a week. Intrastate service is offered in conjunction with interstate service. The Applicant's tariff contains the rules and regulations applicable to its Customers, a description of the services offered and a list of rates associated with those services. The Applicant's tariff is filed simultaneously with this application showing a forty-five (45) day effective date.
3. Network PTS' statutory representation in the state of Missouri is:

CT Corporation System
120 South Central Avenue
Clayton, MO 63105
4. Network PTS intends to provide resold long distance telecommunications service seven (7) days a week on a twenty-four (24) hour a day basis, originating and terminating throughout the State of Missouri.
5. Network PTS possesses managerial and technical expertise to provide intrastate interexchange telecommunications services.
6. Network PTS has ample financial resources to operate as a telecommunications reseller.
7. Network PTS' tariff, which contains the rules and regulations applicable to its Customers, a description of the services offered, and a list of rates associated with such services, is being filed simultaneously with this application showing a forty-five (45) day effective date.
8. Network PTS requests classification as a competitive telecommunications company operating within the state of Missouri. Network PTS further requests classification of services described in the Applicant's tariff as competitive services.

9. Applicant will not unjustly discriminate among its customers, which discrimination is prohibited pursuant to Section 392.200.
10. Applicant, pursuant to Section 386.570, will comply with all applicable Commission rules except those which are specifically waived by the Commission pursuant to a request filed by the Applicant.
11. The Applicant will provide operator-assisted services for communications originating and terminating within the State of Missouri. In addition, the Company will provide presubscribed direct dial service to payphones, which will allow end users to complete calls from those payphones after insertion of required coins. Applicant proposes to conduct its operator services within the guidelines determined in rulemaking Docket TX-91-129, or according to subsequent rules for policies established for the State of Missouri. Specifically:
 - All calls are branded before call charges are incurred;
 - Rates, billing method and complaint resolution procedures are disclosed upon request. This service is available at no charge, 24 hours per day.
 - Traffic aggregators are obligated by contract and tariff to display and notice information that complies with FCC rules and applicable state requirements.
 - Traffic aggregators are obligated by contract and tariff to provide access to alternative operator service providers.
 - Where the local exchange carrier has the capability of identifying multiple carriers, Applicant is identified on the end user bill.
 - No location surcharges are collected by Applicant for intrastate Missouri calls.
 - Applicant does not intercept or route 011 calls. These calls complete directly through the serving local exchange carrier. Applicant routes emergency 0- and 00- calls efficiently to the appropriate emergency agency in locations where it handles such calls.

Applicant's carrier uses reliable answer detection techniques and Applicant will not knowingly bill for incomplete calls. If for any reason a caller believes he or she has been charged for an uncompleted call, Applicant will issue credit for the charges under all reasonable circumstances.

12. Correspondence or communications pertaining to this application should be addressed to:

James M. Fischer
FISCHER & DORITY, PC
101 Madison Street, Suite 400
Jefferson City, MO 65101
Telephone: (573) 636-6758
Facsimile: (573) 636-0383
E-Mail: jfischerpc@aol.com

13. Applicant also 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 the applicant:

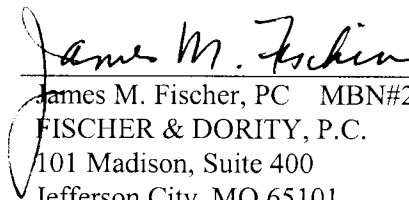
4 CSR 240-10.020	--	Depreciation fund income
4 CSR 240-3.545(2)(C)	--	Posting of exchange rates at central operating offices
4 CSR 240-30.040	--	Uniform system of accounts
4 CSR 240-33.030	--	Inform customers of lowest price
Section 392.210.2	--	Uniform System of Accounts
Section 392.240(1)	--	Just & Reasonable Rates
Section 392.270	--	Property valuation
Section 392.280	--	Depreciation rates
Section 392.290	--	Issuance of securities
Section 392.300.2	--	Acquisition of Stocks
Section 392.310	--	Issuance of stocks and bonds
Section 392.320	--	Stock dividends
Section 392.330	--	Issuance of securities, debt and notes
Section 392.340	--	Reorganization

The above referenced rules and statutory provisions have been waived with regard to other interexchange carriers in prior cases. These rules or statutory provisions are principally designed to apply to noncompetitive telecommunications carriers. It would be inconsistent with the goal and purpose of Section 392.530 to apply them to a competitive telecommunications carrier such as the Applicant.

14. Applicant has no annual reports or regulatory assessment fees that are overdue in Missouri.
15. 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.
16. Applicant submits that the public interest will be served by Commission approval of the Applicant's application because the proposed services will create and enhance competition and expand customer service options consistent with the legislative goals set forth in the federal Telecommunications Act of 1996, and Chapter 392, RSMo 2000. Prompt approval of Applicant's application will also expand the availability of innovative, high quality, and reliable telecommunications services within the State of Missouri.

WHEREFORE, Network PTS, Inc., respectfully requests that the Commission grant it a certificate of authority to offer competitive intrastate interexchange and operator assisted telecommunications services within the State of Missouri; an order classifying it as a competitive telecommunications company providing competitive service; an order suspending, waiving or modifying the above referenced rules and statutory provision as they relate to the regulation of the Applicant in the state of Missouri, and for such further orders as the Commission deems appropriate.

Respectfully submitted,


James M. Fischer, PC MBN#27543
FISCHER & DORITY, P.C.
101 Madison, Suite 400
Jefferson City, MO 65101
Telephone: (573) 636-6758
Facsimile: (573) 636-0383
E-Mail: jfischerpc@aol.com

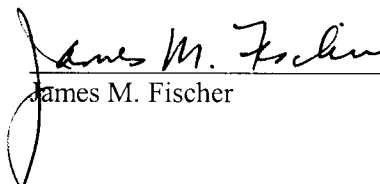
ATTORNEY FOR APPLICANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was emailed, hand- delivered or mailed, postage prepaid, this 27th day of October, 2004 to:

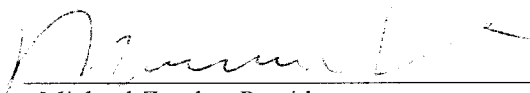
Office of the Public Counsel
P.O. Box 2230
Jefferson City, MO 65102

Dana K. Joyce, General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102


James M. Fischer

VERIFICATION

I, Michael Zumbo, first being duly sworn upon oath depose and say I am President of Network PTS, Inc., a California Corporation; that I have read the above and foregoing petition by me subscribed and know the contents thereof, that said contents are true in substance and in fact, except as to those matters stated upon information and belief, and as to those, I believe same to be true.



Michael Zumbo, President
Network PTS, Inc.

Subscribed and sworn before me this 15th day of September 2004


(NOTARY PUBLIC)

My Commission expires on: April 16, 2005

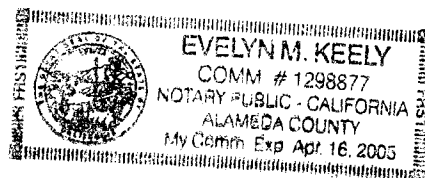


EXHIBIT I

NETWORK PTS, INC.

Articles of Incorporation

&

Certificate of Authority to Transact Business in Missouri

STATE OF MISSOURI



Matt Blunt
Secretary of State
CERTIFICATE OF AUTHORITY

WHEREAS,

NETWORK PTS, INC.
F00608700

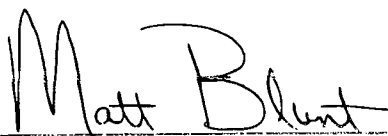
using in Missouri the name

NETWORK PTS, INC.

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 California.

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 3rd day of September, 2004.


Secretary of State



State of California



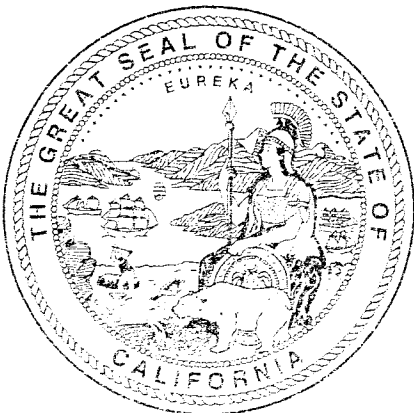
SECRETARY OF STATE

I, *Kevin Shelley*, Secretary of State of the State of California, hereby certify:

That the attached transcript of 5 page(s) was prepared by and in this office from the record on file, of which it purports to be a copy, and that it is full, true and correct.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

AUG 13 2003



Kevin Shelley
Secretary of State

1636434

ARTICLES OF INCORPORATION

OF

TRLD, INC.

FILED

In the office of the Secretary of State
of the State of California

MAR 27 1989

ONE: The name of this corporation is TRLD, INC.

Wm. J. E. Euc
MARCH 27 1989, Secretary of State

TWO: The purpose of this corporation is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law of California other than the banking business, the trust company business, or the practice of a profession permitted to be incorporated by the California Corporations Code.

THREE: The name and address in this state of the corporation's initial agent for service of process is: Terri Rossi, 2226 Oak Grove Rd., #226, Walnut Creek, CA 94598

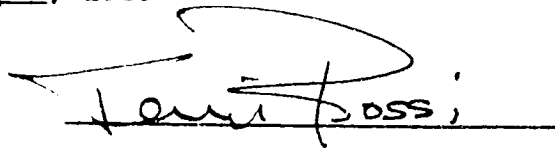
FOUR: This corporation is authorized to issue only one class of shares of stock. The total number of shares which the corporation is authorized to issue is 100,000.

FIVE: The liability of the directors of the corporation for monetary damages shall be eliminated to the fullest extent permissible under California law.

SIX: Corporate agents, as that term is defined in Corporations Code Section 317, may be indemnified for breach of duty to the corporation and its stockholders by By-Law, agreement, or otherwise in excess of the indemnification permitted by Corporations Code Section 317. However, there shall be no indemnification of any agent in circumstances expressly prohibited by Corporations Code Section 317, or for any acts, omissions, or transaction from which a director may

not be relieved of liability.

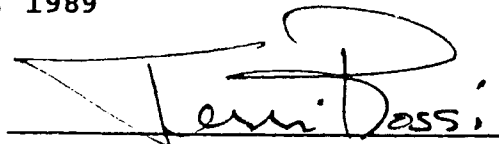
Dated: 3-23-89, 1989

A handwritten signature in cursive script, reading "Terri Rossi", written over a horizontal line.

Terri Rossi

I hereby declare that I am the person who executed the foregoing Articles of Incorporation, which execution is my act and deed.

Dated: 3-23-89, 1989

A handwritten signature in cursive script, reading "Terri Rossi", written over a horizontal line.

Terri Rossi

NCTD:

A0592079

1636434
CERTIFICATE OF AMENDMENT
OF
ARTICLES OF INCORPORATION FOR TRLD, INC.
[CORPORATE NUMBER 1636434]

FILED DR
in the office of the Secretary of State
of the State of California

FEB 13 2003

Kevin Shelley
KEVIN SHELLEY, Secretary of State

The undersigned certifies that:

1. I am the chief executive officer and the secretary, Michael Keane, respectively of TRLD, Inc., a California Corporation.
2. Article One of the Articles of Incorporation of this corporation is amended to read as follows:

The name of this corporation is Network Public Telecom Services.
3. The foregoing amendment of the Articles of incorporation has been duly approved by the board of directors.
4. The foregoing amendment of Articles of Incorporation has been duly approved by the required vote of shareholders in accordance with Section 902, California Corporations Code. The total number of outstanding shares of the corporation is 10,000. The number of shares voting in favor of the amendment equaled or exceeded the vote required. The percentage vote required was more than 50%.

I further declare under penalty of perjury under the laws of the State of California that the matters set forth in this certificate are true and correct of our own knowledge.

Date: January 30, 2003

Michael J. Keane
Michael Keane,
Chief Executive Officer and Secretary

1636434
CERTIFICATE OF AMENDMENT
OF
ARTICLES OF INCORPORATION FOR
NETWORK PUBLIC TELECOM SERVICES
[CORPORATE NUMBER 1636434]

FILED *Done*
in the office of the Secretary of State
of the State of California

FEB 21 2003

Kevin Shelley
KEVIN SHELLEY, SECRETARY OF STATE

The undersigned certifies that:

1. I am the chief executive officer and the secretary, Michael Keane, respectively of NETWORK PUBLIC TELECOM SERVICES, a California Corporation.
2. Article One of the Articles of Incorporation of this corporation is amended to read as follows:

The name of this corporation is Network Public Telecom Services, Inc.

3. The foregoing amendment of the Articles of incorporation has been duly approved by the board of directors.
4. The foregoing amendment of Articles of Incorporation has been duly approved by the required vote of shareholders in accordance with Section 902, California Corporations Code. The total number of outstanding shares of the corporation is 10,000. The number of shares voting in favor of the amendment equaled or exceeded the vote required. The percentage vote required was more than 50%.

I further declare under penalty of perjury under the laws of the State of California that the matters set forth in this certificate are true and correct of our own knowledge.

Date: February 19, 2003

Michael Keane
Michael Keane,
Chief Executive Officer and Secretary

NCTO

A0599697

1636434

CERTIFICATE OF AMENDMENT
OF
ARTICLES OF INCORPORATION FOR
NETWORK PUBLIC TELECOM SERVICES, INC.
[CORPORATE NUMBER 1636434]

FILED
In the office of the Secretary of State
of the State of California

AUG 06 2003

Kevin Shelley
KEVIN SHELLEY, Secretary of State

The undersigned certifies that:

1. I, Thomas Keane, am the chief executive officer and the secretary of NETWORK PUBLIC TELECOM SERVICES, a California Corporation.
↑ INC.
2. Article One of the Articles of Incorporation of this corporation is amended to read as follows:

The name of this corporation is Network PTS, Inc.
3. The foregoing amendment of the Articles of incorporation has been duly approved by the board of directors.
4. The foregoing amendment of Articles of Incorporation has been duly approved by the required vote of shareholders in accordance with Section 902, California Corporations Code. The total number of outstanding shares of the corporation is 10,000. The number of shares voting in favor of the amendment equaled or exceeded the vote required. The percentage vote required was more than 50%.

I further declare under penalty of perjury under the laws of the State of California that the matters set forth in this certificate are true and correct of our own knowledge.

Date: July 28, 2003

Thomas Keane

Thomas Keane,
Chief Executive Officer and Secretary

State of California

SECRETARY OF STATE CERTIFICATE OF STATUS DOMESTIC CORPORATION

I, KEVIN SHELLEY, Secretary of State of the State of California, hereby certify:

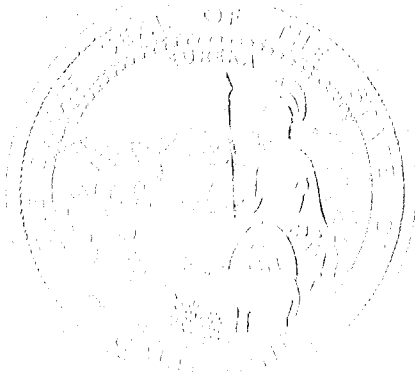
That on the **27th day of March, 1989, NETWORK PTS, INC.** became incorporated under the laws of the State of California by filing its Articles of Incorporation in this office; and

That said corporation's corporate powers, rights and privileges are not suspended on the records of this office; and

That according to the records of this office, the said corporation is authorized to exercise all its corporate powers, rights and privileges and is in good legal standing in the State of California; and

That no information is available in this office on the financial condition, business activity or practices of this corporation.

IN WITNESS WHEREOF, I execute this
certificate and affix the Great Seal
of the State of California this day
of August 13, 2003.



Kevin Shelley
KEVIN SHELLEY
Secretary of State

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