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JOHN A. RUTH
ALICIA EMBLEY TURNER

August 18, 2005

The Honorable Colleen M. Dale
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102-0360

FILED³

AUG 18 2005

Missouri Public
Service Commission

Re: Ozarks Telecom, LLC

Dear Judge Dale:

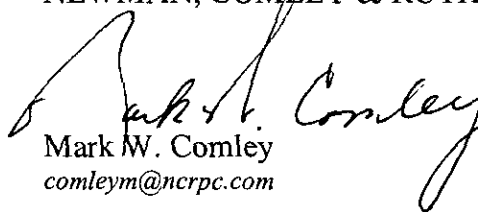
Please find enclosed for filing in the referenced matter the original and five copies of a Application for Certificate of Service Authority to Provide Basic Local Exchange Telecommunications Service and for Competitive Classification. Attached as Exhibit C to the Application are the financial projections of the company, which are being filed under seal. I also enclose the original and five copies of a Motion for Protective Order concerning Exhibit C.

Please contact me if you have any questions regarding this filing. Thank you.

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:


Mark W. Comley
comleym@ncrpc.com

MWC:ab

Enclosure

cc: Office of Public Counsel
General Counsel's Office
John E. Noakes

FILED³

AUG 18 2005

Missouri Public
Service Commission

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

In the matter of the Application of)
OZARKS TELECOM, LLC for a)
Certificate of service authority to)
Provide Basic Local Telecommunications)
Service in the State of Missouri)
and to classify said services and)
the company as competitive.)

Case No. _____

**APPLICATION FOR CERTIFICATE OF SERVICE AUTHORITY
TO PROVIDE BASIC LOCAL EXCHANGE TELECOMMUNICATIONS SERVICE
AND FOR COMPETITIVE CLASSIFICATION**

COMES NOW Ozarks Telecom, LLC (hereinafter "Applicant" or "Ozarks Telecom"), by its undersigned counsel, and hereby applies Pursuant to Sections 392.361, 392.420, and 392.430, 392.410, 392.450 RSMo, the Federal Telecommunications Act of 1996, and 4 CSR 240-2.060, for authority to provide facilities-based and resold basic local exchange telecommunications service in the entire State of Missouri and to classify said service and company as competitive. Pursuant to 392.420 RSMo and 4 CSR 240-32.010(2), applicant seeks a waiver of certain of the Commission's requirements for basic local exchange telecommunications service offerings. In support of its application, Ozarks Telecom states as follows:

1. Ozarks Telecom is a Limited Liability Company duly organized and existing under and by virtue of the laws of the state of Missouri. Copies of Ozarks Telecom's Articles of Organization, Certification of Organization and Certificate of Good Standing are attached hereto and incorporated herein as Exhibit A. Ozarks Telecom's principal office is located at:

Ozarks Telecom, LLC
3201 North Highway 63
West Plains MO, 65775.

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

Mark W. Comley
Newman, Comley & Ruth P.C.
P.O. Box 537
Jefferson City, MO 65102-0537
Telephone: (573) 634-2266
Facsimile: (573) 636-3306
E-mail: comleym@ncrpc.com

Regulation & Compliance
Ozarks Telecom, LLC
P.O. Box 676
West Plains MO, 65775

Telephone: (417) 257-8823
Facsimile: (417) 257-7874
E-Mail: regcom@3omni.com

3. Ozarks Telecom has no 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 years of the date of this application.

4. Ozarks Telecom has no annual report or assessment fees that are overdue.

5. Pursuant to this application, Ozarks Telecom seeks to offer and provide facilities-based and resold local telecommunications service, including two-way switched voice service throughout the exchanges currently served by CenturyTel and Spectra, and seeks classification of itself and its services as competitive. The exchanges in which Applicant seeks authority are listed in approved tariffs of CenturyTel and Spectra. Pursuant to applicable law, and subject to Ozarks Telecom's right under federal and state laws to seek to offer and provide service in geographical areas smaller than an exchange or in a market segmentations or to offer customer-specific pricing, similarly situated subscribers located within the listed exchanges will receive services on equal terms and conditions as set forth in Ozarks Telecom's tariffs.

6. Consistent with the treatment of other certified competitive local exchange telecommunications companies, Ozarks Telecom requests that the following statutes and regulations be waived for it and its resold and facilities-based basic local exchange service offerings in accordance with 392.420 RSMo and 4 CSR 240-32.010(2)

<u>Statutes</u>	<u>Missouri Public Service Commissions Rules</u>
392.210.2	4 CSR 240-10.020
392.240.1	4 CSR 240-30.040
392.270	4 CSR 240-3.550(5)(C)
392.280	
392.290	
392.300.2	
392.310	
392.320	
392.330	
392.340	

7. Ozarks Telecom further requests a temporary waiver of CSR 240-3.510 (1) (C). This rule requires that an application for certificate of authority to provide basic local exchange service shall include a tariff with a forty-five day effective date. Ozarks Telecom finds it impossible at this time to develop tariffs to fully comply with this rule since it has not yet executed or received Commission approval of any interconnection agreements with incumbent local exchange carriers. At such time as all facts necessary for the development of such tariffs are known to Ozarks Telecom, it will promptly file said tariffs bearing no less than a forty-five day effective date with the Commission in manner consistent with the Commission's practice in similar cases. In any circumstance, Ozarks Telecom will file its proposed basic local exchange telecommunications service and switched exchange access tariffs no later than thirty days after Commission approval of the applicant's interconnection agreements(s).

8. Applicant possesses the technical and managerial expertise and experience necessary to provide the services it proposes. Descriptions of backgrounds of Ozarks Telecom

management, which demonstrate the extensive experience and expertise, are attached hereto and incorporated herein as Exhibit B.

9. Applicant also possesses the necessary financial resources. Twelve months of pro-forma financial projections, including a current balance sheet are submitted under seal as a separate Exhibit C, incorporated herein by reference.

10. Please note that the information provided in Exhibit C is privileged and confidential and therefore is being submitted separately under seal pursuant to the Company's *Motion for a Protective Order* ("Motion") filed simultaneously herewith. The Motion seeks confidential treatment of all information contained in Exhibit C and is being filed pursuant to proposed 4 CSR 240-2.085, solely for the purpose of the Commission's *in-camera* review.

11. Ozarks Telecom will offer basic local telephone service as a separate and distinct service.

12. Ozarks Telecom will give consideration to equitable access for all Missourians, regardless of where they live or their income, to affordable telephone services in the proposed area.

13. Ozarks Telecom is willing to comply with all applicable Commission rules and is willing to meet all relevant services standards including, but not limited to, billing, quality of service, and the filing and maintaining of tariffs.

14. Notwithstanding the provisions of section 392.500 RSMo., as a condition of certification and competitive classification, Ozarks Telecom agrees that, unless otherwise ordered by the Commission, Ozarks Telecom originating and terminating switched exchange access rates will be no greater than the lowest Commission-approved corresponding access rates in effect for each ILEC within whose service areas(s) Ozarks Telecom seeks authority to provide

service. Additionally, pursuant to the Commission's Report and Order in Case No. TO-99-596, Ozarks Telecom agrees that if the ILEC in whose service area Ozarks Telecom is operating decreases its originating and/or terminating access service rates, Ozarks Telecom shall file an appropriate tariff amendment to reduce its originating and/or terminating access rates within (30) days of the ILEC's reduction of its originating and/or terminating access rates in order to maintain the cap on switched exchange access rates.

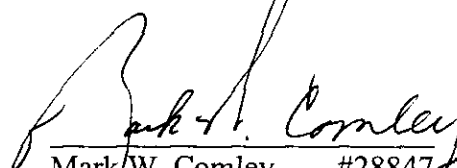
15. Ozarks Telecom submits that the public interest will be served by Commission approval of this application because Ozarks Telecom's proposed services will create and enhance competition and expand customer service options to consumers and micro-businesses in rural areas that have high communications pricing, with a comparably low level of income. Prompt approval of this application will greatly benefit consumers by allowing our small company to provide these benefits quickly, which aside from quality customer service, is a small CLEC's greatest competitive asset.

WHEREFORE, Ozarks Telecom, LLC respectfully requests that the Commission grant it a Certificate of Service Authority to provide facilities-based and resold basic local exchange services as herein requested, classify Ozarks Telecom and its proposed services as competitive, and grant a waiver of the aforesaid statutes and regulations.

Respectfully submitted,

NEWMAN, COMLEY & RUTH P.C

By:


Mark/W. Comley #28847
601 Monroe Street, Suite 301
P.O. Box 537
Jefferson City, MO 65102-0537

Telephone: (573) 634-2266

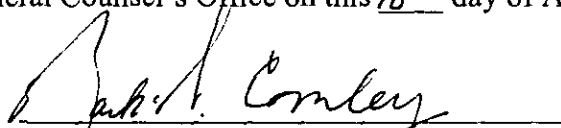
Facsimile: (573) 636-3306

E-Mail: comleym@ncrpc.com

ATTORNEY FOR OZARKS TELECOM, LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document has been sent by electronic mail to the Office of Public Counsel and the General Counsel's Office on this 18th day of August, 2005

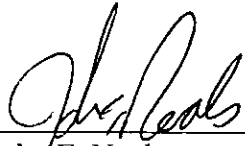


Mark W. Comley

VERIFICATION


STATE OF Missouri)
) ss.
COUNTY OF Howell)

I, John E. Noakes, being first duly sworn upon oath, do hereby depose and state that I am President of Ozarks Telecom, LLC, a Missouri Limited Liability Company, and am authorized to execute this verification; that I have read the above and foregoing application and know the contents thereof; that the contents are true in substance and in fact, except as those matters which are stated upon information and belief, and as to those, I believe the same to be true.



John E. Noakes,
President
Ozarks Telecom, LLC

Subscribed and sworn to before me, a Notary Public, on this 16th day of 8/05,
2005.



Notary Public

KELLY D. WADE
Notary Public - Notary Seal
STATE OF MISSOURI
Howell County
My Commission Expires: April, 4, 2008

EXHIBIT A



Robin Carnahan
Secretary of State

CORPORATION DIVISION
CERTIFICATE OF GOOD STANDING

ROBIN CARNAHAN, Secretary of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

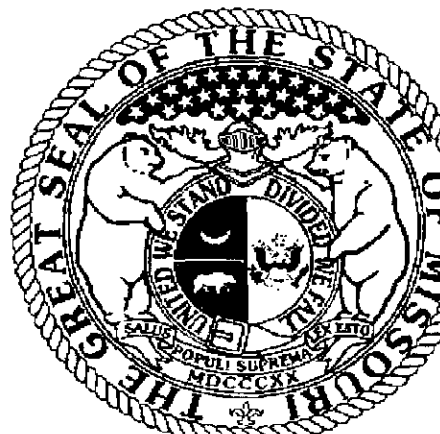
OZARKS TELECOM LLC
LC0612864

was created under the laws of this State on the 27th day of September, 2004, 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 3rd day of August, 2005

Robin Carnahan

Secretary of State



State of Missouri



Matt Blunt
Secretary of State

CERTIFICATE OF ORGANIZATION

WHEREAS,

Ozarks Telecom LLC
LC0612864

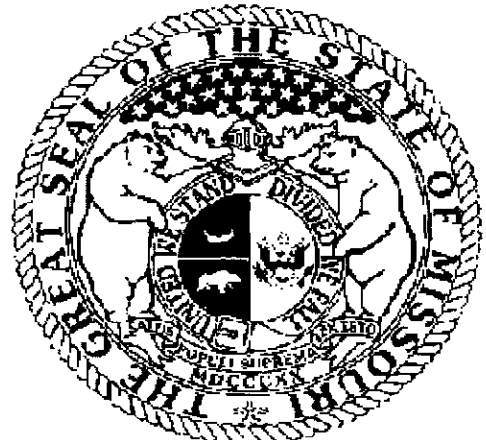
filed its Articles of Organization with this office on the 27th day of September, 2004, and that filing was found to conform to the Missouri Limited Liability Company Act.

NOW, THEREFORE, I, MATT BLUNT, Secretary of State of the State of Missouri, do by virtue of the authority vested in me by law, do certify and declare that on the 27th day of September, 2004, the above entity is a Limited Liability Company, organized in this state and entitled to any rights granted to Limited Liability Companies.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 27th day of September, 2004.

Matt Blunt

Secretary of State





File Number: 200427112933
 LC0612864
 Date Filed: 09/27/2004
 Matt Blunt
 Secretary of State

S
 Matt Blunt, Secretary of State

State of Missouri
 Creation - LLC/LP 1 Page(s)

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



T0427113626

Articles of Organization
 (Submit in duplicate with filing fee of \$105)

1. The name of the limited liability company is:

Ozarks Telecom LLC

(Must include "Limited Liability Company," "Limited Company," "LC," "L.C.," "L.L.C.," or "LLC")

2. The purpose(s) for which the limited liability company is organized:

To wholesale commercial communications circuits and local loop access to businesses in the Ozarks.

3. The name and address of the limited liability company's registered agent in Missouri is:

John Noakes

1843 CR 4740

Pomona MO 65789

Name

Street Address: May not use P.O. Box unless street address also provided

City/State/Zip

4. The management of the limited liability company is vested in one or more managers. Yes No

5. The events, if any, on which the limited liability company is to dissolve or the number of years the limited liability company is to continue, which may be any number or perpetual:

The LLC will be dissolved and its affairs wound up only upon written consent of a majority of the members.

(The answer to this question could cause possible tax consequences, you may wish to consult with your attorney or accountant)

6. The name(s) and street address(es) of each organizer (Post Office box alone not acceptable):

John Noakes -- 1843 CR 4740 County Road 4740 Pomona MO 65789

7. For tax purposes, is the limited liability company considered a corporation? Yes No

8. 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 thereof, the facts stated above are true:

(Organizer Signature)

(Organizer Signature)

(Organizer Signature)

(Printed Name)

(Printed Name)

(Printed Name)

(Date)

(Date)

(Date)

EXHIBIT B

Backgrounds of OZARKS TELECOM, LLC's Management

John E. Noakes

President, Chief Executive Officer, Chief Operations Officer

Overview

John E Noakes founded Ozarks Media Network and Internet, LLC (OMNI) and its subsidiary OZARKS TELECOM, LLC out of the absolute need for competitive communications services in rural southern Missouri, as well as the foresight of the need for multiple media service offerings that will be required to stay competitive in the internet and communications industries. John created OMNI and its subsidiary with the vision of providing advanced video, data, and communications services to micro-business, and consumers in areas that larger companies overlook because of smaller population densities. Mr. Noakes Currently operates a small facilities based ISP in West Plains Missouri, which is known for its excellent personal customer service, and innovativeness in service delivery. Mr. Noakes also handles many of West Plains businesses consulting, networking, and software integration needs to include VPN's, VLAN's, wireless, and PBX interconnection over fiber optic lines. Mr. Noakes graduated high school in West Plains, is married and has children, so he can easily relate to issues that are inherent in the area he serves, like the high price of data and communications on top of the lower income and revenue levels that are common in rural areas.

History

Prior to operating the current ISP for the last three years, Mr. Noakes was employed with Town Square Internet, one of southern Missouri's largest Internet Service Providers. Mr. Noakes was involved in every operation from customer support, account management, network operations, installation and repair, and all levels of its wireless operations. Mr. Noakes later formed a subsidiary of Town Square Internet which developed and offered some of the first e-commerce software, and custom software programming solutions in southern Missouri. Mr. Noakes has worked in the operations of many diverse areas that include but not limited to: dairy cattle operations; limestone rock quarry and creek gravel mining; Right of Way maintenance; network consulting, design, and installation; fiber optic passive optical network design. He has been involved in almost all aspects of each industry from leadership roles, customer service, account management, sales, technology and information. Mr. Noakes also served in many leadership roles while enlisted in the US Army Infantry which included serving in the first Desert Storm, and special dirt team operations, both of which require a high level of planning, and attention to detail.

Accomplishments

Mr. Noakes Developed the first customer support and call log software for Town Square Internet, which gave the company the ability to greatly improve its quality of customer

service, as well as reduced the workload and complexity involved in customer care. Mr. Noakes designed and developed the areas first totally automated e-commerce storefront software, which gave small local, non-technical businesses the ability to integrate technology into their traditional brick and mortar operations. Mr. Noakes also directed the development of one of the first web based vehicle inventory management software packages that allowed car dealers to easily present their inventory online, as well as allow the customer to request a quote, and check their current credit standing. Mr. Noakes later developed internet based software and a secure network using traditional frame relay communications circuits that allowed GWFOODS, and RED APPLE stores in 3 different states to enter daily receipts in a centrally located Database at their headquarters in Willow Springs Missouri. John worked with the original developer of Howell County Missouri's accounting software to revamp it into a more articulate and scalable system, (Mr. Noakes left the project due to a change in partnerships.) Mr. Noakes was instrumental in the operations of, and also wrote several software modules that were used in the conversion of the Indianapolis Indiana's corporate documents into electronic documents to be made available online for the "Indianapolis Online" project. John later took the many aspects of his knowledge base, developed accounting, authorization, and auditing software and methodologies which he used to open a small town orientated Internet Service Provider that could be ran efficiently and with a smaller staff and better customer service than is considered normal for this type of business. Mr. Noakes facilities based ISP was the first company in West Plains to offer advanced dial-up protocols, as well as anti-virus and anti-spam protection for its customers.

Education

Mr. Noakes has received the greater portion of his education through hands on experience, and trial and error. Mr. Noakes is also currently only a few hours away of an associate's degree in Computer Information Services with many various non related courses on business, industrial safety, and communications. Mr. Noakes has achieved certification in both wireless network design, and fiber optic outside plant design and installation.

Attributes

Mr. Noakes' diverse background and knowledge, coupled with his attention to detail, leadership capabilities, the ability to make decisions and learn very quickly, and most importantly his knowledge of people, allow him to maintain an excellent overall management and control at all levels of operations. This capability allows his business operations to be tightly integrated from the customer to cash flow. Mr. Noakes, like all other members of management within OMNI, is local to the area he is serving, giving his company a great advantage. Relationships have already been established with local business, consumers, city, rural electrical providers, and the areas largest telephone and security system Installation Company to insure rapid customer uptake and collaborative marketing. Mr. Noakes has many years experience in small town marketing methodologies. Through trial and error, and knowledge gained from other small businesses, John has developed marketing methods that work and adapt as needs change.

Christy Hoover
Secretary, Chief Financial Officer

Overview

Ms. Hoover is a member of the Hoover family which has been an integral part of the growth and stability for West Plains and its surrounding areas. With this comes an inherent knowledge of the general workings of an entire community. For over a decade Ms. Hoover has been involved in the logistics and accounting operations for Ozarks Regional Stockyard which is Southern Missouri's largest cattle stock operations. Ms. Hoover handles various levels of operations from customer service, animal lot tracking, receiving and shipping of cattle lots, as well as payroll, and accounting.

History

Ms. Hoover was born and raised in West Plains, and has been a part of her families businesses that encompass every thing from beef cattle operations, commercial land development, investments, and small business incubation. Ms. Hoover is very active in the community with church events and recreational sports for herself and her children. Ms. Hoover and other members of her family have been very involved with the areas rural elementary schools in many different ways.

Accomplishments

Aside from raising two boys, Ms. Hoover has assisted her family in operating the areas largest stockyard operations, which consists of a very fast inflow and outflow, categorization, grouping, sale and re-assignment of cattle within specific time constraints, as well as handle billing, and assist with payroll.

Education

Ms. Hoover has an Associates degree in general arts from Southwest Missouri State University, and has attended Drury College and Southwest Missouri State University in order to meet her goal of obtaining a degree in social work. Ms. Hoover has achieved certification in fiber optic outside plant design and installation.

Attributes

Ms. Hoover has an excellent top-level view of business, and has the uncanny ability to separate the overall business concept from the deep layer of technical jargon. Christy is also very well known for her frugalness in all aspects of business. Ms. Hoover is native to our area, which offers many benefits when it comes to business relations, banking, and marketing. Ms. Hoover has had years experience in small town marketing and networking for other family businesses.

Matt Erickson

Chief Technology Officer, Network Operations, Customer Support Technical Manager

Overview

Mr. Erickson has been involved with southern Missouri's first and largest Internet Service Providers since it was a bulletin board system in the early 90's. Mr. Erickson has extensive knowledge of all aspects of IP based networks from software to hardware to customer care. Mr. Erickson has a decade of experience in training new technical staff members in the art of technical support and customer account services. Mr. Erickson currently helps manage network operations for Town Square Internet, as well as directs the technical support and customer account departments. Mr. Erickson also manages network and customer account support for an international web-sight creation company that currently maintains over 350,000 accounts.

History

Mr. Erickson has been a part of Town Square Internet since its beginnings over ten years ago, and has been an essential part of its growth and transition. Mr. Erickson has been involved with Town Square Internet's operations longer than any of its current staff, officers, or owners.

Accomplishments

Mr. Erickson is certified or has extensive knowledge in many different software and hardware architectures, both proprietary and open access. He is a certified wireless network designer, and has a decade of customer accounting, authorization, and auditing software and the integration and interfacing of those software. Mr. Erickson has provided or managed internet service based customer support longer than any other person in the city of West Plains and surrounding areas, and has a high level of knowledge on the issues that affect the consumers in our area, and the way those customers perceive those issues to be.

Education

Mr. Erickson's education is comprised of over a decade of hands on experience in Internet Service Provider operations, and customer services, as well as various certifications, and technical courses.

Attributes

Matt is most recognized for his commitment to his job, and his meticulousness. Mr. Erickson has a perfect attendance record for over a decade now, without a single unscheduled day taken. His meticulousness extends to his network and customer service management, often being made fun of for archiving every single interaction, including email, which he has received for over ten years with no exceptions. Mr. Erickson has been a resident of West Plains for 25 of his 30 years, and is very familiar with the issues and people of our rural area.

Rogenia Noakes

Customer Accounts Manager

Overview

Mrs. Noakes has been servicing West Plains' internet customers for three years now. She has the personality, knowledge, and ability to handle each customer's needs in a manner that meets the needs of the company yet adds a completely personal touch to each account. Mrs. Noakes has trained many new staff members on all levels of customer account management from entry in to accounting software to higher levels of authorization software. Mrs. Noakes has a propensity to documents detail about a customer's accounts, trouble tickets, callbacks, and interoffice memos, that allow an efficient flow of operations within customer account management that carries over to accounting, and technical support.

History

Mrs. Noakes has managed accounting and customer service for West Plains Online, a small Internet Service Provider in West Plains, since its opening in 2002. Mrs. Noakes has also been involved with many recreational and community projects from coaching youth soccer teams, to the organization of children's classes and the entire children's vacation bible school segment for West Plains largest Church.

Accomplishments

Rogenia has developed very simple and clear methods for customer information entry, and for hardcopy archiving, as well as very efficient record maintenance which guarantees a high level of accuracy of customer's records. Mrs. Noakes has also maintained a family with two children.

Education

Rogenia like a lot of the rest of our management has acquired her education through real-world application, which is often refined through trial and error which equates to happy and upset customers. Mrs. Noakes has achieved certification in fiber optic outside plant design and installation.

Attributes

Mrs. Noakes, is very meticulous on her methods of record keeping, and the trail that connects current and archived records back to a customer with a name not just an account number. Rogenia is recognized for her very proactive and exciting personality, which is a requirement for keeping satisfied customers. Mrs. Noakes has a great conceptual focus for advertisement and marketing methods as well.

Paul Erickson

Customer Accounts Technical Manager, Chief Information Officer, Technical support

Overview

Mr. Erickson has handled customer account provisioning, and customer technical support for West Plains Online, a small Internet Service Provider in West Plains, for three years now. Mr. Erickson is versed in all aspects of customer provisioning, from customer application to accounting entry to service allocation, all the way to fiber termination at the customers premise, to include the setup and installation of customer's peripherals. Mr. Erickson also has an uncanny ability to learn software and the interfacing or interaction with other software and services. Paul has diverse knowledge that includes all things web related, OSP construction design using CAD, html and flash web-sight design for simple use in customer account interfaces, and software design within customer service related business.

History

Mr. Erickson has worked with computers and software all of his life. Paul started his career with West Plains Online while attending college. Because of the smaller size of the company, Mr. Erickson was required to learn very quickly, and understand how what he learned played in the whole scope of the business.

Accomplishments

Mr. Erickson has written many web-based software modules for West Plains Online in order to integrate different segments of software. As well as manually converted all hand-drawn construction drawings for various fiber networks to a multilayered CAD software system for integration into asset management software.

Education

Mr. Erickson has attained his Associates Degree in Computer Service Information with emphasis in technical support from Southwest Missouri State University, as well as achieved certification in fiber optic outside plant design and installation.

Attributes

Mr. Erickson possesses a keen technological sense of software and its integration in customer account management. Paul also has the wonderful capability of easily teaching others how to use a piece of software for use in day to day accounting operations. His most valuable attribute is his software, pc, and server trouble-shooting capabilities which allow him to find and correct mistakes in customer accounts rapidly, and accurately.

Exhibit C
(filed under seal)