

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the Matter of the Application of )  
MCC Telephony of Missouri, LLC to )  
Expand its Certificate of Service )  
Authority to Include Provision of ) Case No. \_\_\_\_\_  
Local Telecommunications Service in )  
Additional Exchanges and to Continue )  
to Classify the Company and its )  
its Services as Competitive )

**APPLICATION**

COMES NOW MCC Telephony of Missouri, LLC (hereinafter “Applicant,” “MCC Telephony,” or “Company”), a Delaware limited liability company, by its attorneys, and pursuant to Chs. 392.361, 392.410, 392.420, 392.430, 392.440, 392.450, 392.451 and 392.455 RSMo, the federal Telecommunications Act of 1996, and 4 CSR 240-2.060 and 3.510, respectfully requests that the Missouri Public Service Commission (hereinafter “Commission”) issue an order that expands the Certificate of Service Authority previously granted to Applicant to provide facilities-based and resold basic local exchange and local exchange telecommunications service hereafter in the exchanges identified in *Attachment A* hereto. In support of this Application, Applicant states the following:

Applicant has previously been granted authority by the Commission to provide facilities-based and resold basic local telecommunications service in the service territories of Southwestern Bell Telephone, L.P. n/k/a AT&T, CenturyTel of Missouri, LLC, Spectra Communications Group LLC d/b/a CenturyTel, and Sprint Missouri Inc. d/b/a Sprint, as well as interexchange telecommunications services and non-switched local exchange telecommunications services (limited to providing dedicated, non-switched local exchange

private line services) throughout the state of Missouri.<sup>1</sup> Applicant and its services have been classified by the Commission as competitive.<sup>2</sup> Applicant is in good standing in all respects with all applicable Commission rules and requirements. At this time, MCC Telephony seeks additional authority to provide facilities-based and resold basic local exchange and local exchange telecommunications services in the exchanges listed in *Appendix A* to this Application.<sup>3</sup> Additionally, pursuant to Sections 392.361 and 392.420 RSMo, MCC Telephony requests that, with respect to services in these additional exchanges, its basic local service be classified as competitive and that certain statutes and regulations be waived.

## I. QUALIFICATIONS

1. Applicant's legal name is MCC Telephony of Missouri, LLC. The Company maintains its regulatory offices at:

100 Crystal Run Road  
Middletown, NY 10941  
Phone: (845) 695-2610  
Fax: (845) 695-2669

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<sup>1</sup> *In the Matter of the Application of MCC Telephony of Missouri, Inc. for a Certificate of Service Authority to Provide Basic Local Exchange, Non-Switched Local Exchange and Interexchange Telecommunications Services in the State of Missouri and to Classify Said Services as Competitive*, Case No. LA-2005-0150, Order dated May 5, 2005 ("May 5, 2005 Order"). Applicant has since been converted to a Delaware limited liability company and filed documentation to this effect with the Commission on Sept. 4, 2009. *See* Case No. LN-2010-0081.

<sup>2</sup> May 5, 2005 Order.

<sup>3</sup> The Company is engaged currently in negotiations for interconnection agreements with the relevant incumbent local exchange providers; however, this process will only be completed following Commission approval of this application. Either the Company or the relevant incumbent local exchange carriers will file applications seeking Commission approval of those agreements.

2. Contact Persons: All inquiries, correspondence, communications, pleadings, notices, orders and decisions relating to this Application should be directed to:

Mark P. Johnson  
Sonnenschein Nath & Rosenthal LLP  
4520 Main Street, Suite 1100  
Kansas City, MO 64111  
Phone: (816) 460-2400  
Fax: (816) 531-7545  
[mjohnson@sonnenschein.com](mailto:mjohnson@sonnenschein.com)

3. Corporate Liaison: Questions concerning the ongoing operations of MCC Telephony should be addressed to:

Anne Sokolin-Maimon, Vice President Regulatory Affairs  
Mediacom Communications Corporation  
100 Crystal Run Road  
Middletown, NY 10941  
Phone: (845) 695-2610  
Fax: (845) 695-2669  
Email: [amaimon@mediacomcc.com](mailto:amaimon@mediacomcc.com)

4. Corporate Structure: MCC Telephony of Missouri, LLC is a limited liability company, organized and existing under Delaware law. The Company is authorized to do business in the State of Missouri. A copy of the Company's Certificate of Authority from the Missouri Secretary of State is appended as **EXHIBIT 1**.

5. Managerial and Technical Qualifications: MCC Telephony's qualifications were reviewed and found satisfactory by the Commission in Case No. LA-2005-0150. The Company remains managerially and technically qualified to provide basic local telecommunications services to consumers in the state of Missouri, as demonstrated by its operations in Missouri and elsewhere since 2005.

6. Financial Qualifications: MCC Telephony remains financially qualified to provide telecommunications services in the state of Missouri, as previously determined by the Commission and as evidenced by its continuing operations in Missouri and elsewhere since 2005. Based upon the Commission's prior determination and the Company's demonstrably successful operations, MCC Telephony requests a waiver of the requirement in 4 CSR 240-3.510(1)(D) that financial data be provided in this filing.

## **II. PROPOSED SERVICES**

7. Description of Proposed Services: MCC Telephony is currently authorized to provide basic local exchange and other local exchange telecommunications services within the service territory of AT&T, CenturyTel, Spectra and Sprint pursuant to its approved tariff.<sup>4</sup> Applicant requests that the Commission take notice of its local exchange service tariff, which is incorporated herein by reference. MCC Telephony's services meet applicable minimum Commission standards. The Company proposes to offer its currently tariffed services within its expanded service territory, although in response to changing market factors, MCC Telephony may expand its service offerings as well.

8. In accordance with Section 392.455(3), MCC Telephony affirms that its service area will (a) follow the exchange boundaries of the relevant incumbent LEC and (b) at no time be smaller than an exchange. Pursuant to Section 392.455(4), the Company will provide basic local exchange service as a separate and distinct service. Further, consistent with Section 392.455(5), Applicant will give consideration to equitable access for all Missourians, regardless of where they reside or their income, to affordable telecommunications services in the proposed services areas.

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<sup>4</sup> As noted earlier, Applicant also is authorized to provide nonswitched local exchange services and interexchange services throughout the State of Missouri.

9. Tariff Requirement: MCC Telephony currently has an approved tariff for local telecommunications services on file with the Commission. The Company will continue to offer services throughout its expanded service area pursuant to the terms and conditions of this tariff, revised only to incorporate the expanded service area. Proposed revised tariff pages to reflect the addition of new exchanges are provided as **EXHIBIT 2**.

### **III. CLASSIFICATION AS A COMPETITIVE TELECOMMUNICATIONS COMPANY AND WAIVER OF CERTAIN REGULATORY REQUIREMENTS**

10. Classification of Services as Competitive: MCC Telephony seeks continued classification as a competitive company, including classification of its basic local exchange telecommunications service in the new service area as competitive, pursuant to Sections 392.361 and 392.420 RSMo and 4 CSR 240-3.510(1)(A). The Company also requests the reduced regulation associated with such classification.

11. Waiver of Rules: MCC Telephony will comply with all applicable Commission rules, except those waived by Commission decision, while providing basic local service in the new service area. The Company has filed and will maintain tariff(s) and will meet applicable minimum standards for services. MCC Telephony will submit required reports and other informational filings with the Commission. Pursuant to Section 392.420 RSMo, Applicant requests that the Commission waive application of several rules and statutory provisions as they relate to Applicant. The first set of waivers consists of the so-called “standard waivers” which the Commission has granted for several years, and the second set of waivers consists of those waivers authorized by amendments to the Commission’s enabling statute which were enacted in 2008.

12. First set of requested waivers:

<u>Statutes</u>	<u>Missouri Public Service Commission Rules</u>
392.210.2	4 CSR 240-3.550(5)(C)
392.240.1	4 CSR 240-10-020
392.270	4 CSR 240-30.040
392.280	
392.290	
392.300.2	
392.310	
392.320	
392.330	
392.340	

These provisions were waived by the Commission as part of Applicant's original grant of authority.<sup>5</sup> No public utility will be affected by the requested waiver of these statutes and regulations. Therefore, Applicant considers grant of these waivers for its expanded operations consistent with the public interest.

13. Second set of requested waivers:

- 4 CSR 240-3.550(4)
- 4 CSR 240-3.550(5)(A)
- 4 CSR 240-32.060
- 4 CSR 240-32.070
- 4 CSR 240-32.080
- 4 CSR 240-33.040(1) - (3), and (5) - (10)
- 4 CSR 240-33.045
- 4 CSR 240-33.080(1)
- 4 CSR 240-33.130(1)
- 4 CSR 240-33.130(4)
- 4 CSR 240-33.130(5)
- Section 392.300.1 RSMo.

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<sup>5</sup> May 5, 2005 Order.

By order dated October 21, 2009, and effective October 30, 2009, in Case No. LO-2010-0083, the Commission granted MCC Telephony's request for waiver of the listed statute and rules. MCC Telephony requests that this waiver be extended to the service areas which are the subject of this Application. No public utility will be affected by the requested waiver of this statutes and these regulations. Therefore, Applicant considers grant of these waivers for its expanded operations consistent with the public interest.

14. Switched Access Rates: MCC Telephony acknowledges, pursuant to Section 392.361.6, that its exchange access rates will not exceed the corresponding exchange access rates in effect for the incumbent LECs in the respective exchanges. Additionally, the Company agrees that in the event an incumbent LEC decreases its originating and/or terminating access service rates, MCC Telephony will file an appropriate tariff amendment, within thirty (30) days thereof, to reduce its corresponding originating and/or terminating access rate and maintain the exchange access rate cap.

15. Pending Actions: MCC Telephony does not have any pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or customer rates, which action, judgment, or decision has occurred within three years of the date of this Application.

16. Compliance with Orders and Regulations: MCC Telephony will comply with all applicable orders and regulations of the Commission.

17. Annual Reports and Fees: MCC Telephony does not have any overdue annual reports or assessment fees.

#### **IV. PUBLIC INTEREST CONSIDERATIONS**

18. In 2005, MCC Telephony was granted authority to provide competitive telecommunications services in Missouri, in significant part because the Company's entry into the Missouri telecommunications market was found to serve the public interest. Approval of this application will benefit Missouri consumers in similar manner, increasing their choices both among competing providers and among competitive service offerings. It is well demonstrated that increased competition brings with it the measurable benefits of lowered prices and customer-tailored products and service arrangements. MCC Telephony already offers consumers in Missouri cutting edge technology and customer-friendly service options at highly competitive prices. With expanded authorization, it will make these benefits available to a greater number of Missourians. Consequently, approval of this application is wholly consistent both with the federal Telecommunications Act of 1996 and with the legislative goals set forth in Chapter 392 RSMo.

WHEREFORE, MCC Telephony of Missouri, LLC respectfully requests that the Commission grant it the herein described expansion of its certificate of service authority, classify its basic local service in the new territory as competitive, continue to classify the Company as competitive throughout its operating territory, grant waiver of the identified statutes and regulations, and grant such other and further relief as the Commission deems meet and proper.

Respectfully submitted,



/s/ Mark P. Johnson

Mark P. Johnson Mo. Bar 30740  
Sonnenschein Nath & Rosenthal LLP  
4520 Main Street, Suite 1100  
Kansas City, MO 64111  
Phone: (816) 460-2400  
Fax: (816) 531-7545  
[mjohnson@sonnenschein.com](mailto:mjohnson@sonnenschein.com)

*Attorney for Applicant  
MCC Telephony of Missouri, LLC*

**VERIFICATION**

STATE OF MISSOURI            )  
ss.                                    )  
COUNTY OF JACKSON        )

COMES NOW Mark P. Johnson, being of lawful age and duly sworn, who swears and affirms as follows:

1. My name is Mark P. Johnson, and I am an attorney for MCC Telephony of Missouri, LLC (“Applicant”). In that capacity, I have been authorized by the Applicant to verify the statements contained in the Application above, and the information contained therein, on behalf of the Applicant.

2. I have reviewed the foregoing Application, and the information contained therein is true and accurate to the best of my knowledge and belief.

\_\_\_\_\_  
Mark P. Johnson

Subscribed and sworn to me, a Notary Public, on this \_\_\_\_ day of December, 2009.

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

My Commission expires:

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was served on the parties listed below on this 28<sup>th</sup> day of December, 2009, by electronic means.

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

General Counsel  
Office of the Public Counsel  
P.O. Box 7800  
Jefferson City, Missouri 54102

\_\_\_\_\_  
/s/ Mark P. Johnson  
Mark P. Johnson

*Attachment A*

<b>Incumbent Local Exchange Carrier</b>	<b>Exchange(s)</b>
Chariton	Salisbury
Craw-Kan	Purcell
Goodman	Goodman
Granby	Diamond
	Granby
Grand River	Bethany
McDonald	Anderson
	Pineville
Miller	Miller
Windstream	Albany
	Liberal
	Purdy
	Stark City

**EXHIBIT 1**

MCC Telephony of Missouri, LLC

Certificate of Authority from the Missouri Secretary of State

**EXHIBIT 2**

Proposed Revised Tariff Page