

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED

MAY 06 1998

MISSOURI
PUBLIC SERVICE COMMISSION

In the matter of the application of)
NOW Communications, Inc. for a Certificate of)
Service Authority to provide intrastate)
interexchange telecommunications services to the)
public within the State of Missouri and for)
Competitive Classification.)

Case No. TA-98-502

**APPLICATION FOR INTEREXCHANGE AUTHORITY
AND COMPETITIVE CLASSIFICATION**

Comes now NOW Communications, Inc. ("Applicant" or "NCI"), 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 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 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 Mississippi and is duly authorized to transact business in the State of Missouri. Pursuant to the relevant provisions of 4 CSR 240-2.060, documents from the Missouri Secretary of State's Office are attached hereto and incorporated herein as Appendix A. Applicant's principal place of business is NOW Communications, Inc., 713 Country Place Drive, Jackson Mississippi

39208-6619 and its mailing address is P.O. Box 807, Jackson, Mississippi 39205-0807.

Applicant's telephone numbers are (601) 949-7500 and 1-888-565-1011./

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)

R. Scott Seab, Esq.
Attorney at Law
711 S. Tejon
Suite 201
Colorado Springs, Colorado 80903
(719) 633-9977
(719) 633-9932 (fax)

with a copy to:

Mr. Larry Seab
President and CEO
NOW Communications, Inc.
P.O. Box 807
Jackson, Mississippi 39205-0807
(601) 949-7500.

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

3. By this Application, Applicant proposes to provide various types of intrastate interexchange telecommunications services throughout the state of Missouri on a resold, prepaid basis. At this time Applicant is not seeking authority to provide non-switched, dedicated private line services. Specifically, Applicant seeks authority to provide prepaid MTS and other similar interexchange services pursuant to resale arrangements with underlying interexchange carriers. Pursuant to 4 CSR 240-2.060(4)(H), Applicant's proposed tariff bearing a forty-five (45) day effective date is attached hereto and incorporated herein as

Appendix B. Applicant has based its proposed tariff on tariffs for which it has received approval in other jurisdictions. Applicant recognizes that the staff may require certain Missouri-specific format and perhaps content changes to Applicant's proposed tariff and will work with the staff to make such changes, as needed, through substitute tariff sheet filings.

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 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 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(1)	--Uniform System of Accounts
4 CSR 240-30.040(2)	--Uniform System of Accounts
4 CSR 240-30.040(3)	--Uniform System of Accounts
4 CSR 240-30.040(5)	--Uniform System of Accounts
4 CSR 240-30.040(6)	--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. While not required under the rules to be filed for purposes of an interexchange certificate application, additional information regarding Applicant's financial qualifications and managerial expertise have been provided to the Commission in Applicant's currently pending CLEC Application in Case No. TA-98-390. Applicant currently is providing prepaid basic local and/or prepaid interexchange services in the following states: Alabama, Colorado, Kansas, Louisiana, Mississippi and Tennessee. In addition to Missouri, Applicant has applications pending in Florida, Georgia, Oklahoma and Texas.

WHEREFORE, Applicant respectfully requests that the Commission: 1) expeditiously grant it a certificate of service authority to provide intrastate, resold interexchange 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 telecommunications services.

Respectfully submitted,

Charles Brent Stewart

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

ATTORNEY FOR APPLICANT
NOW COMMUNICATIONS, INC.

CERTIFICATE OF SERVICE

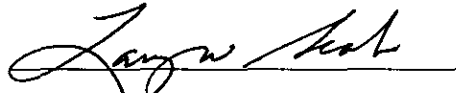
I hereby certify that a copy of the foregoing Verified Application has been sent this date to the Office of the Public Counsel by hand-delivery, this 6TH day of May, 1998.

Charles Brent Stewart

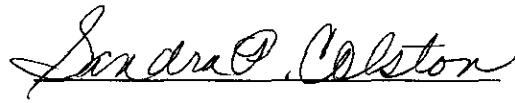
VERIFICATION

City of Jackson)
)
State of Mississippi)

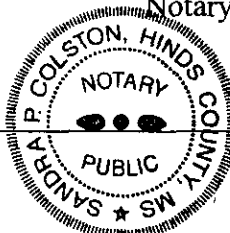
I, Larry W. Seab, being first duly sworn, depose and state that I am the President and CEO of NOW Communications, Inc., the Applicant in the subject proceeding; that I am authorized to make this verification on behalf of NOW Communications, Inc., that I have read the foregoing Petition and know the contents thereof; and that the same are true and correct to the best of my knowledge, information, and belief.


Larry W. Seab

Subscribed and sworn to before me, this 14th day of March, 1998.


Notary Public

My Commission expires on _____.



My Commission Expires Aug. 19, 2000

Client: NOW Communications, Inc.
Re: IXC Application
Case No.: _____

APPENDIX A

STATE OF MISSOURI



Rebecca McDowell Cook
Secretary of State

CORPORATION DIVISION - CERTIFICATE OF AUTHORITY

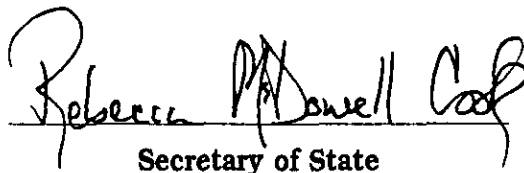
WHEREAS,
NOW COMMUNICATIONS, INC.

USING IN MISSOURI THE NAME
NOW COMMUNICATIONS, 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 MISSISSIPPI.

NOW, THEREFORE, I, REBECCA MCDOWELL COOK, 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 13TH DAY OF FEBRUARY, 1998.


Secretary of State



\$155.00



State of Missouri

Rebecca McDowell Cook, Secretary of State

P.O. Box 778, Jefferson City, Mo. 65102

Corporation Division

AND CERTIFICATE OF
AUTHORITY ISSUED

Application for Foreign Corporation For a Certificate of Authority

FEB 13 1998

(Submit in duplicate with filing fee of \$155.00)

- (1) The corporation's name is NOW Communications, Inc.
and it is organized and existing under the laws of Mississippi
- (2) The name it will use in Missouri is NOW Communications, Inc.
- (3) The date of its incorporation was 2/29/96, and the period of its duration is perpetual
month/day/year
- (4) The address of its principal place of business 713 Country Place Drive, Jackson MS 39208
Address City/State/Zip
- (5) The name and address of its registered agent and office in the State of Missouri is
The Corporation Company, 7733 Forsyth Blvd. Clayton, MO 63105
Name Address City/State/Zip
- (6) The specific purpose(s) of its business in Missouri are:
to provide telecommunications services.
- (7) The name of its officers and directors and their business addresses are as follows:
- | (Officers) | Name | Address | City/State/Zip |
|----------------|-------------------|---------|----------------|
| President | see attached list | | |
| Vice President | | | |
| Secretary | | | |
| Treasurer | | | |
- (Board of Directors)
- | | | | |
|----------|-------------------|--|--|
| Director | see attached list | | |
| Director | | | |
| Director | | | |
| Director | | | |
- (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: n/a
(Date may not be more than 90 days after the filing date in this office)

In affirmation thereof, the facts stated above are true.

Larry W. Seab
(Authorized signature of officer or chairman of the board)

CEO and President

(Title)

Feb 6, 1998
(Date of Signature)

LARRY W. SEAB

Note: You must have a current certificate of good standing or certificate of existence with this application. This may be obtained from the Secretary of State or other authority that issues corporate charters.

NOW COMMUNICATIONS, INC.

Corporate Officers and Shareholders January, 1998

- **Larry W. Seab – President and Chief Executive Officer, Director.** 713 Country Place Drive, Jackson, MS 39208.
- **Charles W. McGuffee – Secretary, Treasurer, Director.** 211 Lynn Lane, Clinton, MS 39056.
- **Perry D. Gotcher – Vice President, Director.** 20 Knoll Pines Court, The Woodlands, TX 77381.
- **James R. Downs – Vice President, Director.** 1105 Oakhurst Drive, Broomfield, CO 80020.
- **James E. Miller – Vice President, Director.** 80 River Court Parkway, Atlanta, GA 30328.