

NEWMAN, COMLEY & RUTH

PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW

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JEFFERSON CITY, MISSOURI 65102-0537

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ROBERT K. ANGSTEAD
MARK W. COMLEY
CATHLEEN A. MARTIN
STEPHEN G. NEWMAN
JOHN A. RUTH
D. GREGORY STONEBARGER

January 20, 2000

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

FILED²

JAN 20 2000

Missouri Public
Service Commission

Re: Custom Network Solutions, Inc.

TA 2000-456

Dear Judge Roberts:

Enclosed for filing in the above-referenced matter, please find the original and fourteen copies of an Application to provide competitive intrastate telecommunications services in Missouri and the original and five copies of a Tariff set out as Exhibit II.

If you have any questions, please advise. Thank you very much for your attention to this matter.

Sincerely,

NEWMAN, COMLEY & RUTH, P.C.

By:

Cathleen A. Martin

Cathleen A. Martin

martinc@ncrpc.com

CAM/slw

Enclosures

cc: Monique Byrnes
Office of Public Counsel

200000649

FILED²
JAN 20 2000

BEFORE THE

PUBLIC SERVICE COMMISSION OF MISSOURI

Missouri Public
Service Commission

In the Matter of the Application of
Custom Network Solutions, Inc.
for a Certificate of Authority
To Provide Competitive Intrastate
Telecommunications Services in
Missouri

Case No. TA-2000-456

APPLICATION

COMES NOW Custom Network Solutions, Inc. ("CNS") and requests a Certificate of Service Authority to provide competitive intrastate interexchange telecommunications services between and among locations within the State of Missouri, pursuant to Section 392.440, RSMo 1994¹. CNS provides the following information:

1. CNS is a corporation organized under the laws of New York. Its principal office is located at:

Custom Network Solutions, Inc.
311 W. 43rd Street, Suite 1405
New York, New York 10036
Contact: Marc Rozar, President
Telephone: (212) 245-2202
Facsimile: (212) 245-2221

A copy of CNS's Articles of Incorporation and Certificate of Authority to transact business in Missouri are attached hereto as Exhibit I and incorporated herein by reference.

2. CNS proposes to offer long distance voice telecommunications services over resold transmission facilities. The Company offers direct dial outbound, inbound and travel card services.

¹All statutory references are to Revised Statutes of Missouri 1994, unless otherwise noted.

3. CNS's statutory representation in the State of Missouri is:

National Registered Agents, Inc.
300-B East High Street
Jefferson City, MO 65101

4. CNS has no plans to install or construct transmission facilities in Missouri. The Company will provide resold long distance telecommunication services. The Company plans to provide service twenty-four (24) hours a day, seven (7) days a week, originating from equal access end offices and terminating throughout the State of Missouri.

Calls are billed monthly by CNS at the rates specified in its tariff. Bills include a toll-free number for inquiries or complaints. Customers will be billed directly by CNS. The Company has contracted with Interconnect Services Group to act as its billing clearinghouse.

5. The Company's target market includes both residential and business Customers. Each Customer is charged individually for each call placed through CNS. Customers are billed based on their use of the CNS's service. Rates for these services are based on call duration and product type.

6. CNS offers interstate and intrastate resale long distance service. The Company will resell the facilities of existing carriers. Calls originate over LEC facilities to the underlying carrier and are switched over the underlying carrier's network facilities.

7. CNS possesses the managerial and technical expertise to provide resale interexchange telecommunications services.
8. CNS possesses sufficient financial resources to successfully provide resale interexchange telecommunications services in Missouri.
9. CNS's 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. The tariff has a forty-five (45) day effective date.
10. CNS requests classification as a competitive telecommunications company operating within the State of Missouri. CNS further requests classification of services described in CNS's tariff as competitive services.
11. Applicant will not unjustly discriminate among its Customers, which discrimination is prohibited pursuant to Section 392.200.
12. 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.
13. Correspondence or communications pertaining to this application should be addressed to:

Cathy Martin
Attorney at Law
Newman, Comley & Ruth PC
601 Monroe Street, Suite 301
Post Office Box 537
Jefferson City 65102
Telephone: (573) 634-2266
Facsimile: (573) 636-3306

AND

Monique Byrnes
Technologies Management, Inc.
210 N. Park Avenue
Winter Park, Florida 32789
(407) 740-8575
(407) 740-0613

14. Applicant also respectfully requests, pursuant to Section 392.420, RSMo (Cum. Supp. 1994), 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 240-30.010(2)(C) | - Posting of exchange rates at central operating offices |
| 4 CSR 240-30.040 | - Uniform system of accounts |
| 4 CSR 240-32.030(1) (B)
and (C) | - Exchange area maps and records of access lines |
| 4 CSR 240-32.030(2) | - In-state record keeping |
| 4 CSR 240-32.050(3)
through (6) | - Information concerning local service tariffs, maps
directories, and telephone numbers |
| 4 CSR 250-32.070(4) | - Coin telephones |
| 4 CSR 240-33.030 | - Minimum charge rules |
| 4 CSR 240-33.040(5) | - Finance fee |
| | |
| Section 392.210.2 | - 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 | - Stock ownership and sale |
| 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.

15. Approval of this application will serve the public interest by offering consumers throughout the State of Missouri a meaningful quality service option. Approval of this application will also benefit consumers by creating greater competition in the interexchange marketplace which in turn inspire innovation and development of services that meet customer needs cost effectively.

WHEREFORE, Applicant Custom Network Solutions, Inc. respectfully requests the Commission to grant it a Certificate of Authority to provide competitive intrastate interexchange telecommunications service 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 provisions as they relate to the regulation of the Applicant in the State of Missouri; and for such further orders as the Commission deems appropriate.

Dated: January 20, 2000

Respectfully submitted,

ATTORNEY FOR APPLICANT
Custom Network Solutions, Inc.

Cathleen A. Martin

Cathleen A. Martin

Mo. Bar No. 45682

Attorney at Law

Newman, Comley & Ruth PC

601 Monroe Street

P.O. Box 537

Jefferson City 65102-0537

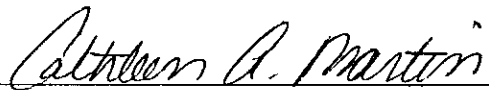
Telephone: (573) 634-2266

Facsimile: (573) 636-3306

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 20th day of January, 2000, to:

Office of the Public Counsel
P.O. Box 7800
Jefferson City, Missouri 65102



Cathleen A. Martin Mo. Bar No.
45682

Attorney at Law
Newman, Comley & Ruth PC
601 Monroe Street, Suite 301
P.O. Box 537
Jefferson City 65102

Telephone: (573) 634-2266
Facsimile: (573) 636-3306

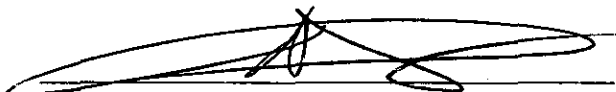
VERIFICATION

I, Marc Rozar, first being duly sworn upon oath depose and say I am President of Custom Network Solutions, Inc., a New York 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.


Marc Rozar
President

Subscribed and sworn to before me

this 4th day of JAN, 2000


Notary Public

PETER J. GEMIGNANI
Notary Public, State of New York
No. 4964349
Qualified in Nassau County
Commission Expires 4/2/2000

APPLICATION OF
Custom Network Solutions, Inc.

EXHIBIT I

Articles of Incorporation and
Certificate of Authority to Transact Business in Missouri

F00477769

STATE OF MISSOURI



Rebecca McDowell Cook
Secretary of State

CORPORATION DIVISION - CERTIFICATE OF AUTHORITY

WHEREAS,
CUSTOM NETWORK SOLUTIONS, INC.

USING IN MISSOURI THE NAME
CUSTOM NETWORK SOLUTIONS, 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 NEW YORK.

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 21ST DAY OF DECEMBER, 1999.

Rebecca McDowell Cook
Secretary of State



\$155.00

STATEMENT OF INCORPORATOR IN LIEU OF ORGANIZATION MEETING
OF
CUSTON NETWORK SOLUTIONS, INC.

The certificate of incorporation of the above-named corporation having been filed in the Office of the Secretary of State of the State of New York, the undersigned, being the incorporator named in said certificate, does hereby state that the following actions were taken on this day for the purpose of organizing this corporation:

1. By-Laws for the regulation of the affairs of the corporation were adopted by the undersigned incorporator and were ordered inserted in the minute book immediately following the copy of the certificate of incorporation and before this instrument.
2. The undersigned hereby resigns as incorporator of the corporation as of the date set forth below.

The following are hereby elected as the director(s) of the corporation to hold office until the first annual meeting of the corporation or until their successors are elected and qualified:

Dated:

Sherri Cook
Sherri Cook
Incorporator

CERTIFICATE OF INCORPORATION
OF
CUSTOM NETWORK SOLUTIONS, INC.

Pursuant to Section 402 of the Business Corporation Law

I, the undersigned, a natural person of at least 18 years of age, for the purpose of forming a corporation under Section 402 of the Business Corporation Law of the State of New York hereby certify:

FIRST: The name of the corporation is:

CUSTOM NETWORK SOLUTIONS, INC.

SECOND: The purpose of the corporation is to engage in any lawful act or activity for which corporations may be organized under Article IV of the Business Corporation Law, except that is not formed to engage in any act or activity requiring the consent or approval of any state official, department, board, agency or other body without such consent or approval first being obtained.

THIRD: The office of the corporation is to be located in the County of NEW YORK State of New York.

FOURTH: The aggregate number of shares which the corporation shall have the authority to issue is TWO HUNDRED , each of which shall be common stock with no par value.

FIFTH: The Secretary of State is designated as agent of the corporation upon whom process against it may be served. The post office address to which the Secretary of State shall mail a copy of any process against the corporation served upon him is:

C/O THE CORPORATION
311 W. 43RD ST.
NEW YORK, NY 10036

SIXTH: No director of the corporation shall have personal liability to the corporation or to its shareholders for damages for any breach of duty in such capacity, provided, however, that the provision shall not eliminate or limit:

(a) the liability of any director of the corporation if a judgment or other final adjudication adverse to him establishes that his acts or omissions were in bad faith or involved intentional misconduct or a knowing violation of law or that he personally gained in fact a financial profit or other advantage to which he was not legally entitled or, with respect to any director of the corporation, that his acts violated Section 719 of the Business Corporation Law of the State of New York, or

(b) the liability of a director for any act or omission prior to the final adoption of this article.

IN WITNESS WHEREOF, this certificate of incorporation has been subscribed by the undersigned this 7/11/95, who affirms the statements made herein are true under the penalties of perjury.

s/ Sherri Cook

Sherri Cook, Incorporator

XL Corporate & Research
Services, Inc.

194 Washington Avenue
Albany, New York 12210

Certificate of Incorporation
of
CUSTOM NETWORK SOLUTIONS, INC.

Pursuant to Section 402 of the Business Corporation Law

XL-39
BILLED

Filed By:
STUART ROSENBLUM
4400 ROUTE 9 SOUTH
FREEHOLD, NJ 07728

N. Y. S. DEPARTMENT OF STATE
DIVISION OF CORPORATIONS AND STATE RECORDS

162 WASHINGTON AVENUE
ALBANY, NY 12231

FILING RECEIPT

ENTITY NAME : CUSTOM NETWORK SOLUTIONS, INC.

DOCUMENT TYPE : INCORPORATION (DOM. BUSINESS)

COUNTY: NEWY

SERVICE COMPANY : XL CORPORATE SERVICES, INC.

SERVICE CODE: 39 *

FILED: 07/11/1995 DURATION: PERPETUAL CASH #: 950711000310 FILH #: 950711000293

ADDRESS FOR PROCESS

THE CORPORATION
311 W. 43RD ST.
NEW YORK, NY 10036

REGISTERED AGENT

STOCK: 200 NPV



FILER	FEES	160.00	PAYMENTS	160.00
STUART ROSENBLUM	FILING :	125.00	CASH :	0.00
4400 ROUTE 7 SOUTH	TAX :	10.00	CHECK :	0.00
FREEHOLD, NJ 07728	CERT :	0.00	BILLED:	160.00
	COPIES :	0.00		
	HANDLING:	25.00		
			REFUND:	0.00