

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

In the Matter of the Application of Access)
Point, Inc., for a Certificate of Service)
Authority to Provide Basic Local Exchange)
Telecommunications Service in Portions of)
the State of Missouri and to Classify Said)
Services and the Company as Competitive)
)
)

Case No. CA-2008-0336

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission and for its recommendation states:

1. On April 14, 2008, Access Point, Inc. (Applicant) filed an application with the Missouri Public Service Commission seeking authority to provide basic local exchange telecommunications service. The Applicant also requested competitive classification.

2. In the attached Memorandum, labeled Appendix A, the Staff recommends that the Commission grant Applicant a certificate to provide basic local telecommunications services in the service areas of Southwestern Bell Telephone, L.P. d/b/a AT&T Missouri, conditioned upon certain standard provisions as set out in the Staff Memorandum.

3. The Commission shall grant an application for a certificate of telecommunications service authority upon a finding that the grant of authority is in the public interest. §§ 392.430 and 392.440 RSMo. (2000).

3. The Staff also recommends that the Commission classify the Applicant and the services it proposes to offer in its Application as competitive. The Commission may classify a telecommunications provider or its services as competitive if the Commission determines it is subject to sufficient competition to justify a lesser degree of regulation. §392.361.4. All the services a competitive company provides must be classified as competitive. §392.361.3.

4. The Staff further recommends that the Commission grant the waivers listed in the Notice of Applications. The Commission may waive the application of its rules and certain statutes if the Commission determines that waiver is consistent with the purposes of Chapter 392. §§ 392.185, 392.361.5 and 392.420.

5. The Applicant did not submit a tariff with the Application. The Staff notes that the Commission's rule at 4 CSR 240-3.510(1)(c) states that the Applicant cannot lawfully provide service until tariffs are effective.

WHEREFORE, Staff recommends that the Commission grant Access Point a certificate to provide basic local exchange telecommunications services, conditioned upon the provisions described in the Staff Memorandum; grant it the requested competitive classification; and grant the standard waivers listed in the Commission's Notice of Application.

Respectfully submitted,

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 28th day of May 2008.

/s/ William K. Haas