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November 21, 2000

**FILED<sup>3</sup>**

NOV 21 2000

Missouri Public  
Service Commission

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

Re: Comm South Companies, Inc.  
Case No. TA-2000-509

Dear Judge Roberts:

Please find enclosed an original and eight copies of Comm South Companies, Inc.'s Second Amended Application to Amend Certificate of Service Authority for filing in this matter.

Should you have any questions regarding this filing, please let me know. Thank you.

Sincerely,

NEWMAN, COMLEY & RUTH P.C.

By:

*Cathleen A. Martin*

Cathleen A. Martin  
Martinc@ncrpc.com

Enclosure

cc: Office of Public Counsel  
Bobby Glover  
Bruce Bates

BEFORE THE PUBLIC SERVICE COMMISSION  
STATE OF MISSOURI

FILED<sup>3</sup>  
NOV 21 2000

Missouri Public  
Service Commission

In the Matter of the Application of )  
Comm South Companies, Inc., f/k/a )  
Onyx Distributing Company, Inc., )  
d/b/a Missouri Comm South, Inc. )  
for an Amendment to its Certificate of Authority )  
to Resell Basic Exchange and Local Exchange )  
Intrastate Telecommunications Services within )  
the State of Missouri. )

Case No. TA-2000-509

**SECOND AMENDED APPLICATION**  
**TO AMEND CERTIFICATE OF SERVICE AUTHORITY**

Comes now COMM SOUTH COMPANIES, INC., d/b/a MISSOURI COMM SOUTH, INC. (hereinafter "MCS", or "Applicant"), by and through its attorneys, and pursuant to 4 CSR 240-2.080(14) hereby files this Second Amended Application To Amend its Certificate of Service Authority to provide Basic Exchange and Local Exchange Telecommunications Services within the State of Missouri. MCS acquired its certificate of service authority to provide basic local telecommunications service and local exchange service in Case No. TA-97-203 before this Commission pursuant to Sections 392.430, 392.440, 392.450, and 392.451 RSMo, and the federal Telecommunications Act of 1996. By virtue of those same authorities, MCS currently applies for and requests an amendment to its certificate. In support thereof, MCS submits the following to the Commission:

**I. The Applicant**

1. MCS is a telecommunications company subject to the jurisdiction of this Commission and engages in the business of providing resold basic local telecommunications service, including local calling ("dialtone"), on a prepaid basis only. Prepaid services are services for which a company does not perform consumer credit checking or application screening and which are paid for prior to service being rendered.

2. MCS is a corporation organized under the laws of the State of Texas. MCS has been duly authorized by the Secretary of the State of Missouri to transact business as a foreign corporation. MCS' Certificate of Good Standing issued by the Secretary of State of Missouri pertaining MCS's authority to engage in business in this state was earlier filed with the original application.

3. All communications and pleadings in this docket should be directed to:

Cathleen A. Martin #45682  
NEWMAN, COMLEY & RUTH  
601 Monroe Street  
Suite 301  
Jefferson City, MO 65101  
Telephone: 573 634-2266  
Fax: 573 636-3306  
e-mail – martinc@ncrpc.com

and

Bobby Glover  
MISSOURI COMM SOUTH, INC.  
6830 Walling Lane  
Dallas, Texas 75231  
Telephone: 972 643-8573  
Fax: 972 690-9959

## **II. The Amendment**

4. In its application filed in Case No. TA-97-203, MCS requested a certificate of service authority to provide resold basic local telecommunications services in those portions of Missouri that were currently served by Southwestern Bell Telephone Company (SWBT).

5. MCS's business has seen steady growth and it desires to expand its provision of service into the exchanges of the other major local exchange companies in the state. Accordingly, MCS now seeks to amend its certificate of service authority to include authority to provide its services in all areas of Missouri wherein Alltel Missouri, Inc. (Alltel), GTE Midwest Inc. (GTE) and

Sprint are currently authorized by this Commission to serve. A list of the Alltel exchanges is set forth as Exhibit 3 and incorporated herein by reference. A list of GTE and Sprint exchanges were set forth as Exhibit 2 with the original application and are incorporated herein.

6. By this application, MCS does not seek to modify any of the terms and conditions under which its certificate was issued, or the waiver of the provisions of any additional statutes or rules of the Commission. This application has been filed solely for the purpose of adding the exchanges served by Alltel, GTE and Sprint to MCS's certificated service territory.

7. MCS will offer all telecommunications services which the Commission has determined are essential for purposes of qualifying for state universal service fund support and advertise the availability of such essential services and the charges therefor using media of general distribution pursuant to Section 392.451(1), RSMo.

8. MCS will offer its services in the amended service areas in accord with its tariffs. The provisions of 4 CSR 240-2.060(4)(H) require that a proposed tariff with a forty-five (45) day effective date be included with this application, and MCS wishes to comply with this requirement. Because negotiations are not final with Alltel, GTE and Sprint the charges for interconnection and network elements, and other material provisions and terms have not been concluded, and MCS requests the Commission to waive the provisions of this rule. Applicant intends to supply its proposed tariffs to the Commission with at least a thirty-day effective date at or near the time its interconnection agreements are approved.

### **III. The Public Interest**

9. Approval of this application will serve the public interest in that it will extend the benefits of competition more broadly into the basic exchange market, increase the diversity of choice and supply of telecommunications services and products in the exchanges in which MCS will offer

service and will increase consumer access to competitive and affordable telecommunications services.

WHEREFORE, MCS respectfully requests the Commission to enter an order amending MCS certificate of service authority issued in Case No. TA-97-203 to include in its authorized service territory the exchanges of GTE, Sprint and Alltel set forth on Exhibit 3 attached hereto and Exhibit 2 which was attached to the original application.

Respectfully submitted,

NEWMAN, COMLEY & RUTH P.C.

By: Cathleen A. Martin  
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Attorneys for COMM SOUTH COMPANIES, INC., d/b/a  
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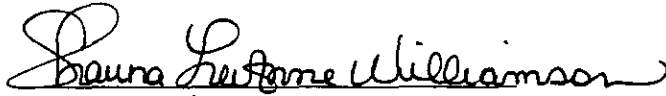
ATTORNEY VERIFICATION

STATE OF MISSOURI     )  
                                  ) ss.  
COUNTY OF COLE     )

I, Cathleen A. Martin, being first duly sworn, do hereby certify, depose and state that I am the attorney for COMM SOUTH COMPANIES, INC., d/b/a MISSOURI COMM SOUTH, INC., Applicant in the above captioned proceeding; that I have read the above and foregoing Application and the allegations therein contained are true and correct to the best of my knowledge, information and belief; and I further state that I am authorized to verify the foregoing application by the above said applicant.

Cathleen A. Martin  
Cathleen A. Martin

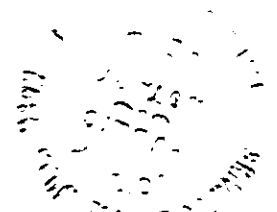
Subscribed and sworn to before me, a Notary Public, this 21<sup>st</sup> day of November, 2000.

  
Notary Public

My Commission expires:

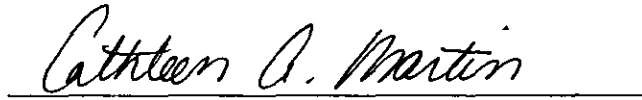
Shawna LeAnne Williamson  
Notary Public - State of Missouri  
County of Moniteau  
My Commission Expires 08/13/2002

Shawna LeAnne Williamson  
Notary Public - State of Missouri  
County of Moniteau  
My Commission Expires 08/13/2002



Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was hand delivered or sent by U.S. Mail, postage prepaid, to the Office of Public Counsel, P.O. Box 7800, Jefferson City, MO 65102, and General Counsel, P.O. Box 360, Jefferson City, MO 65102 on this 21<sup>st</sup> day of November, 2000.

  
Cathleen A. Martin

## **EXHIBIT 3**

### **Alltel Missouri Inc.'s Exchanges**

Alltel Missouri, Inc.'s Missouri Exchanges

Albany  
Aldrich  
Allendale  
Bellflower  
Bolivar  
Coffey  
Crocker  
Clubb  
Dixon  
Doniphan  
Eolia  
Gallatin  
Grandin  
Grant City  
Greenville  
Holiday  
Halfway  
Iberia  
Jameson  
Laclede  
Liberal  
Madison  
Martinsburg  
Mendon  
Middletown  
Milan  
Mindenmines  
Morriville  
Myrtle  
Naylor  
Neelyville  
New Hartford  
Olney  
Oxly  
Patterson  
Pattonsburg  
Peidmont  
Pleasant Hope  
Polk  
Ponder  
Purdy  
Rothville  
Silex  
St. Elizabeth

Stark City  
Stockton  
Stotts City  
Stover  
Sumner  
Union Star  
Vandalia  
Verona  
Wappapello Park  
Wheaton  
Williamsville  
Winston