

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

In the Matter of the Application of 360networks )  
(USA), Inc. for Approval to Cancel its Certificate )  
of Service Authority and Withdrawal of Tariff(s) )

**File No. TD-2013-0275**

**STAFF RECOMMENDATION TO APPROVE CANCELLATION  
OF CERTIFICATE AND TARIFF**

**COMES NOW** the Staff of the Missouri Public Service Commission (“Staff”), by and through the undersigned counsel, and files its Recommendation with the Missouri Public Service Commission (“Commission”) to cancel the certificate of service authority and associated tariff of 360networks (USA) Inc. (“Company”). For its Recommendation, Staff respectfully states as follows:

1. On November 15, 2012,<sup>1</sup> the Company filed an *Application For The Cancellation Of Certificate Of Service Authority And Withdrawal Of Tariff(s) (Application)*. The *Application* requests that the Commission cancel the Certificate of Service Authority granted to the Company in Case No. TA-2000-207,<sup>2</sup> to provide intrastate interexchange telecommunications services and local exchange telecommunications services limited to providing dedicated, nonswitched local exchange private line services, along with the associated tariff.

2. On November 16, the Commission’s *Order Directing Filing* directed the Staff to file a recommendation regarding the *Application* no later than November 28.

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<sup>1</sup> All dates herein refer to calendar year 2012, unless otherwise noted.

<sup>2</sup> In Case No. TA-2000-207, the Commission approved the Certificate of Service Authority and associated tariff for Worldwide Fiber Networks, Inc. on November 8, 1999. On August 17, 2000, Worldwide Fiber Networks, Inc. filed a replacement tariff that reflected the change of its corporate name from Worldwide Fiber Networks, Inc. to 360networks (USA) Inc. in Case No. TO-2001-99. In that case, the Commission acknowledged the change of name from Worldwide Fiber Networks, Inc. to 360networks (USA) Inc., and approved the revised tariff on September 17, 2000.

3. Attached hereto is Staff's *Memorandum*. Because the Company requested cancellation of its certificate and is no longer providing service in Missouri, Staff recommends the Commission cancel the certificate and associated tariff.

4. The Commission has the authority to cancel a telecommunications certificate pursuant to Section 392.410.5 RSMo (2000), which provides "[a]ny certificate of service authority may be altered or modified by the commission after notice and hearing, upon its own motion or upon application of the person or company affected."

5. The Commission need not hold a hearing, if, after proper notice and opportunity to intervene, no party requests such a hearing. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494 (Mo. App. W.D. 1989).

6. The Company is not delinquent on the filing of annual reports, remittance of any Commission assessment, or remittance of any Missouri Universal Service Fund or Relay Missouri amount.

**WHEREFORE**, Staff recommends the Commission cancel the certificate of service authority of 360networks (USA) Inc. to provide intrastate interexchange telecommunications services and local exchange telecommunications services limited to providing dedicated, nonswitched local exchange private line services, along with the associated tariff.

Respectfully submitted,

**/s/Jennifer Hernandez**

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Senior Staff Counsel  
Missouri Bar No. 59814

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served on this 28<sup>th</sup> day of November, 2012 by electronic mail to: Mark W. Comley, counsel for 360networks (USA) Inc., at [comleym@ncrpc.com](mailto:comleym@ncrpc.com); and the Office of the Public Counsel at [opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov).

**/s/Jennifer Hernandez**

## MEMORANDUM

To: Missouri Public Service Commission Official Case File  
Case No. TD-2013-0275  
Company Name: 360networks (USA) inc.

From: Contessa Poole-King  
Telecommunications Unit

William Voight  
Tariff, Safety, Economic and Engineering Analysis

Subject: Staff Recommendation to Cancel Certificate of Service Authority and Accompanying  
Tariff

Date: November 21, 2012

On November 15, 2012, 360networks (USA) inc. filed an application requesting cancellation of its certificate of service authority to provide basic local exchange, non-switched local exchange and interexchange telecommunications services. 360networks also requested withdrawal of any approved tariff(s) on file.

360networks (USA) inc. has stated that it does not have any customers in Missouri. Therefore, the Telecommunications Staff believes cancellation of the company's certificate of service authority and tariff is not detrimental to the public interest. The Staff has no objection to the cancellation and recommends that the Commission issue an order at its earliest convenience to cancel 360networks (USA) inc.'s certificate of service authority to provide basic local exchange, non-switched local exchange and interexchange telecommunications services. The Staff further recommends cancellation of 360networks (USA) inc.'s Missouri P.S.C. Tariff No. 1. The Staff is unaware of any other filing which affects or which would be affected by this proposal.

Staff has examined 360networks annual filings with the Commission and Staff notes the Company is not delinquent in filing an annual report, paying the PSC assessment, MoUSF, and Relay Missouri.

Under penalty of perjury, I affirm that the above statement is true and correct.

  
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CONTESSA POOLE-KING