



Commissioners  
KELVIN L. SIMMONS  
Chair  
CONNIE MURRAY  
SHEILA LUMPE  
STEVE GAW  
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## Missouri Public Service Commission

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April 17, 2002

ROBERT J. QUINN, JR.  
Executive Director  
WESS A. HENDERSON  
Director, Utility Operations  
ROBERT SCHALLENGER  
Director, Utility Services  
DONNA M. PRENGER  
Director, Administration  
DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge  
DANA K. JOYCE  
General Counsel

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

**RE: Case No. TA-2002-448**

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of a **STAFF RECOMMENDATION**.

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Marc Poston".

Marc D. Poston  
Senior Counsel  
(573) 751-8701  
(573) 751-9285 (Fax)

MP/lb  
Enclosure  
cc: Counsel of Record

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

In the Matter of the Application of Max- )  
Tel Communications, Inc. for a Certificate )  
of Service Authority to Provide )  
Interexchange Telecommunications )  
Services and to Classify such Services and )  
the Company as Competitive. )

Case No. TA-2002-448

**STAFF RECOMMENDATION**

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

1. In the attached Memorandum, which is labeled Appendix A, the Staff recommends that the Missouri Public Service Commission ("Commission") grant Max-Tel Communications, Inc. (Applicant) a certificate to provide interexchange telecommunications services. 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. (See sections 392.430 and 392.440 RSMo 2000).

2. Staff also recommends that the Commission classify the Applicant and its services 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. (See section 392.361 RSMo 2000). All the services a competitive company provides must be classified as competitive. (See section 392.361 RSMo 2000).

3. Staff further recommends that the Commission approve the waivers listed in the Commission's March 26, 2002 Notice of Applications. The Commission may waive the

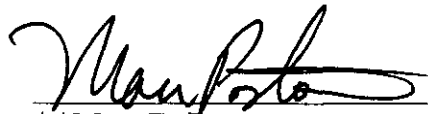
application of its rules and certain statutes if the Commission determines that the waiver is consistent with the purposes of Chapter 392 RSMo. (See sections 392.185, 392.361.3, and 392.420 RSMo 2000).

4. The Staff additionally notes that the Applicant is not in compliance with the current assessment requirements as a provider of basic local service. On April 16, 2002, counsel for the Staff advised counsel for Applicant of the delinquency. The Applicant indicated that it was unaware of the delinquency, and that it may take a week for the Applicant to satisfy the assessment requirement.

**WHEREFORE**, the Staff recommends that the Commission grant Applicant a certificate to provide interexchange telecommunications services; grant Applicant competitive classification; approve Applicant's proposed tariff, PSC Mo. Tariff No. 2, with an effective date of May 5, 2002; and approve the waivers listed in the Notice of Applications.

Respectfully submitted,

DANA K. JOYCE  
General Counsel



/s/ Marc D. Poston  
Senior Counsel  
Missouri Bar No. 45722

Attorney for the Staff of the  
Missouri Public Service Commission  
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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 17th day of April 2002.

A handwritten signature in black ink, appearing to read "Marc Poston", written over a horizontal line.

/s/ Marc D. Poston

**MEMORANDUM**

**To:** Missouri Public Service Commission Official Case File  
Case No.: **TA-2002-448** File No.: **200200787**  
Applicant: **Max-Tel Communications, Inc.** Docket ID: U4253

**From:** Arthur P. Kuss *APK*  
Telecommunications Department  
*Bin Vayft* 04/12/02  
Utility Operations Division/Date

*Man Poston* 4/16/02  
General Counsel's Office/Date

**Subject:** Staff Recommendation for Approval of Certificate and Initial Tariff

**Date:** April 12, 2002

**Filing Deadline:** April 25, 2002 (By 4:00 pm 7 working days prior to proposed effective date)

The Telecommunications Department Staff (Staff) recommends the applicant be granted the following certificate(s), as indicated below, to be effective on the same date the tariff becomes effective:

- ☒ Certificate to provide interexchange telecommunications services.  
☐ Certificate to provide local exchange telecommunications services.\*  
\*Local exchange authority should be restricted to dedicated, private line services.

☒ No objection to tariff taking effect: P.S.C. MO. Tariff No. 2, Effective May 05, 2002.

Staff recommends the applicant and its services receive competitive classification. In addition, Staff recommends approval of the waivers listed in the Notice.

☒ There is an attachment to this recommendation.

**Review Items for IXC, Non-switched Local and CLEC Certificate Applications**

*(As required by 4 CSR 240-2.060):*

- ☒ Proper Secretary of State authorization.
- ☒ Statement of character of business performed.
- ☒ Statement declaring no pending action or final unsatisfied judgments.
- ☐ Statement declaring no overdue annual reports/assessment fees.
- ☒ Application includes an affidavit.
- ☒ The applicant is requesting waivers of rules or statutes previously granted to a competitively classified company.

*(As required by RSMo 392.430/.440):*

- ☒ Application shows that grant of authority is in the public interest.

**Tariff Review Items (applicable for all competitively classified companies):**

- ☒ Properly formatted: (Company name, P.S.C. MO. Tariff No. 2, Page #, Page revision #, proposed effective date).
- ☒ Identifies competitive classification.
- ☒ Identifies waivers granted - see note below.
- ☐ ICB pricing, if proposed, limited for private line, special access or Centrex-like services [RSMo 392.200(8)].
- ☒ Proposed rates do not establish geographic deaveraged rates (if not checked, explain in attachment) [RSMo 392.200(4)].
- ☐ If an alternative operator service provider (receives more than 40% of revenues from traffic aggregators) operator service rates do not exceed: Person-to-Person (\$10.00), Station-to-Station/card (\$5.50) [RSMo 392.515(1)].

**Notes:**

Non-compliant with current assessment requirements as provider of Basic Local Service.  
See attached.

U4253

200200781

AOT

MAXTEL COMM

INC

ARA Examiner: <i>SR</i> Company:	Annual Report Date Verified: <i>3/21/02</i> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Exemption <input checked="" type="checkbox"/>	Assessment Date Verified: <i>3/21/02</i> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Exemption <input type="checkbox"/>	Exemption:  New Certificate: <u><i>am</i></u> Administrative Case: _____
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delinquent on assessment

**Service List for  
Case No. TA-2002-448  
April 17, 2002 (lb)**

**Office of the Public Counsel  
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Waterloo, IL 62298**