

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

In the Matter of the Application of WANRack, LLC)	
for Certificates of Service Authority to Provide)	
Interexchange and Non-Switched Local Exchange)	<u>File No. TA-2015-0051</u>
Telecommunications Services in the State of)	
Missouri)	

**ORDER APPROVING INTEREXCHANGE AND NONSWITCHED
LOCAL EXCHANGE CERTIFICATES OF SERVICE AUTHORITY**

Issue Date: October 21, 2014

Effective Date: October 31, 2014

This order grants WANRack, LLC, certificates of service authority to provide interexchange and nonswitched local exchange telecommunications services.

WANRack applied to the Missouri Public Service Commission on August 20, 2014, for certificates of service authority to provide intrastate interexchange and nonswitched local exchange telecommunications services in Missouri under Sections 392.361, 392.410, 392.420, 392.430, 392.440, 392.450 and 392.470, RSMo. WANRack asked the Commission to classify it as a competitive company and to waive certain statutes and rules as authorized by Sections 392.361.5 and 392.420, RSMo. WANRack is a Kansas corporation with its principal offices located at 25656 W. 97th Street, Lenexa, KS 66227.

On August 22, 2014, the Commission issued a notice of the application and set a deadline for intervention. No requests for intervention were filed.

WANRack did not file a proposed tariff with its application. The company identifies itself a competitive company and lists the waivers requested. WANRack intends to provide interexchange and nonswitched local exchange telecommunications services.

In its memorandum filed on September 30, 2014, the Staff of the Commission recommended that the Commission grant WANRack certificates of interexchange and nonswitched local exchange telecommunications services and that the Commission grant the company competitive status.

Staff also recommended that this grant of authority be conditioned on continued compliance with the following representation:

WANRack will undertake all necessary measures to ensure its contracts with underlying carriers do not contain provisions preventing delivery of traffic to any telephone exchange area of Missouri. Such measures include but are not limited to:

- Prevention of call blocking or call gaping based on the cost of traffic termination.
- Preventing the alteration or stripping of Calling Party Number identification
- Ensuring sufficient network capacity exists to process all traffic according to industry accepted practices

Staff also recommends that the grant of authority be conditioned on the following:

- a. The applicant's originating and terminating access rates shall not exceed the access rates of the incumbent local exchange company against whom the applicant is competing pursuant to §§392.361.6 and 392.370 RSMo Supp. 2012.
- b. If the directly competing ILEC, in whose service area the applicant is operating, decreases its originating or terminating access service rates, the applicant shall file an appropriate tariff amendment to reduce its originating or terminating access rates in the directly competing ILEC's service area within 30 days of the directly competing ILEC's reduction of its originating or terminating access rates in order to maintain the cap.

The Commission finds that competition in the intrastate interexchange and nonswitched local exchange telecommunications markets is in the public interest and WANRack shall be granted certificates of service authority. The Commission finds that the

services WANRack proposes to offer are competitive and the company shall be classified as a competitive company. The Commission finds that waiving the statutes and Commission rules set out in the company's application is reasonable and not detrimental to the public interest.

The company did not file a proposed tariff with its application, but may rely on §392.461, RSMo and publish its rates, terms and conditions of service on its publicly available web site or it may submit a tariff for approval by the Commission prior to providing service in Missouri.

Also, pursuant to §392.461 RSMo, the company is not subject to Commission rules pertaining to the installation, provisioning or termination of retail service unless it elects, in written notice to the Commission, to be subject to such rates

The Commission reminds the company that failure to comply with its regulatory obligations may result in the assessment of penalties against it. These regulatory obligations include, but are not limited to, the following:

A) The obligation to file an annual report, as established by Section 392.210, RSMo 2000. Failure to comply with this obligation will make the utility liable to a penalty of \$100 per day for each day that the violation continues. 4 CSR 240-3.540 requires telecommunications utilities to file their annual report on or before April 15 of each year.

B) The obligation to pay an annual assessment fee established by the Commission, as required by Section 386.370, RSMo 2000.

C) The obligation to comply with all relevant laws and regulations, as well as orders issued by the Commission. If the company fails to comply, it is subject to penalties for noncompliance ranging from \$100 to \$2,000 per day of noncompliance, pursuant to Section 386.570, RSMo 2000.

D) The obligation to keep the Commission informed of its current address and telephone number.

The company is reminded that non-attorneys may not represent the company before the Commission. Instead, the corporation must be represented by an attorney licensed to practice law in Missouri.

Finally, the company is reminded that Section 392.410.5, RSMo, renders the company's certificates of service authority null and void one year from the date of this order unless it has exercised such authority.

THE COMMISSION ORDERS THAT:

1. WANRack, LLC, is granted a certificate of service authority to provide interexchange telecommunications services in the state of Missouri, subject to the conditions of certification set out above.

2. WANRack, LLC, is granted a certificate of service authority to provide nonswitched local exchange telecommunications services in the state of Missouri limited to providing dedicated private line services, subject to all applicable statutes and Commission rules except as specified in this order.

3. The certification granted herein is conditioned upon the company's compliance with the regulatory obligations in this order.

4. WANRack, LLC, is classified as a competitive telecommunications company.

5. The statutes and Commission rules listed in the company's application are waived.

6. This order shall become effective on October 31, 2014.
7. This file may be closed on November 1, 2014.

BY THE COMMISSION



Morris L. Woodruff

Morris L. Woodruff
Secretary

Kennard L. Jones, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 21st day of October, 2014.