

**Lance J.M. Steinhart, P.C.**

Attorney At Law  
1720 Windward Concourse  
Suite 250  
Alpharetta, Georgia 30005

Also Admitted in New York  
and Maryland

Telephone: (770) 232-9200

Facsimile: (770) 232-9208

Email: lsteinhart@telecomcounsel.com

April 19, 2006

**VIA OVERNIGHT DELIVERY**

Ms. Colleen Dale  
Chief A.L.J./Executive Secretary  
Missouri Public Service Commission  
200 Madison Street, Suite 100  
Jefferson City, MO 65102  
(573) 751-3234

**FILED<sup>2</sup>**

APR 20 2006

Missouri Public  
Service Commission

Re: TRI-M COMMUNICATIONS, INC. d/b/a TMC Communications -  
Interexchange

Dear Ms. Dale:

I hereby seek to appear in TRI-M COMMUNICATIONS, INC. d/b/a TMC Communications's Application for Certificate of Service Authority to Provide Interexchange Telecommunications Services Within the State of Missouri.

Enclosed please find an original and eight (8) copies of the Acknowledgement Receipt of \$100.00 as required by Rule 6.01(m) for myself from the Clerk of the Supreme Court along with the Application for Certificate of Service Authority to Provide Interexchange Telecommunications Services Within the State of Missouri.

Please send notification of the filing of this application to lsteinhart@telecomcounsel.com. I have also enclosed an extra copy of this letter to be date stamped and returned to me in the enclosed, self-addressed, postage prepaid envelope.

If you have any questions or if I may provide you with any additional information, please do not hesitate to contact me.

Please note that this Application is being submitted by myself and Judith A. Rau, Esq., Missouri Counsel, Bar # 24856.

Respectfully submitted,

  
Lance J.M. Steinhart  
Attorney for TRI-M COMMUNICATIONS, INC. d/b/a

TMC Communications  
Enclosures  
cc: Ron Ireland

Office of Public Counsel

Office of General Counsel



THOMAS F. SIMON  
CLERK

**CLERK OF THE SUPREME COURT**  
**STATE OF MISSOURI**  
**POST OFFICE BOX 150**  
**JEFFERSON CITY, MISSOURI**  
**65102**

TELEPHONE  
(573) 751-4144

April 18, 2006

This will hereby acknowledge receipt of \$100 as required by Rule 6.01(m) for Lance J.M. Steinhart appearing in Tri-M Communications, Inc., d/b/a TMC Communications to be filed with the Missouri Public Service Commission.

A handwritten signature in black ink, appearing to read "Thomas F. Simon", followed by a large, stylized circular flourish.

Thomas F. Simon, Clerk

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>2</sup>

APR 20 2006

Missouri Public  
Service Commission

In the matter of the )  
Application of )  
TRI-M COMMUNICATIONS, INC. )  
d/b/a TMC Communications )  
for a certificate of service )  
authority to provide ) Case No. \_\_\_\_\_  
interexchange telecommunications )  
services and to classify such )  
services and the company as )  
Competitive )

APPLICATION

TRI-M COMMUNICATIONS, INC. d/b/a TMC Communications,  
("Applicant"), a California Corporation, files this verified  
application respectfully requesting that the Missouri Public  
Service Commission ("Commission") issue an order that:

- (a) grants Applicant a Certificate of Service Authority to  
provide interexchange telecommunications services  
pursuant to Chapter 392 of the Missouri Revised  
Statutes.
- (b) grants competitive status to Applicant, and classifies  
the Applicant's services as competitive.
- (c) waives certain Commission rules and statutory  
provisions pursuant to Section 392.420, RSMo Cum. Supp.  
1992.

In support of its request, Applicant states:

1. The legal name and principal office or place of business of  
the Applicant are:

TRI-M COMMUNICATIONS, INC. d/b/a TMC Communications  
820 State Street, 5<sup>th</sup> Floor  
Santa Barbara, California 93101  
(805) 965-8620/Phone  
(805) 965-7822/Facsimile

A copy of Applicant's authority to transact business in Missouri is attached hereto as Exhibit I.

2. The name and address of Applicant's in-state attorney is:

Judith A. Rau, Esq.  
Rau & Rau  
119 E. Mill Street  
Waterloo, Illinois 62298

3. Applicant is a reseller of telecommunications services.

Applicant proposes to provide interexchange telecommunications services within Missouri including direct outbound dialing (1+ and 101XXXX), 800 and 888 (inbound Toll-Free), travel cards, and prepaid calling cards. Applicant respectfully requests authority to provide service to prospective business and residential customers throughout the State of Missouri.

4. Experience is attached as Exhibit III. Applicant has the experience in the telecommunications industry and the technical and financial resources to provide telecommunications services within Missouri.

5. Applicant's Tariff is attached as Exhibit II. The proposed tariff contains the rules and regulations applicable to its customers, a description of the services offered, and a list of rates associated with such services.

6. Applicant requests classification as a competitive telecommunications company within the State of Missouri, and that its services are classified as competitive. Applicant believes that its proposed services will be subject to sufficient competition to justify a lesser degree of regulation. Granting of this application is in the public interest as it will allow greater price and service options for telephone users.

7. Applicant also respectfully requests, pursuant to Section 392.420 RSMo (Cum. Supp. 1992), that the Commission waive the application of the following rules and statutory provisions as it relates to the regulation of Applicant:

392.210.2 Establish Uniform System of Accounts for Annual reports  
392.240(1) Setting just and reasonable rates  
392.270 Ascertain Property values  
392.280 Establish Depreciation accounts  
392.290 Issuance of securities  
392.300.2 Acquisition of stock  
392.310 Issuance of stock and debt  
392.320 Stock Dividend Payment  
392.330 Issuance of securities, debts and notes  
392.340 Reorganization(s)  
4 CSR 240-10.020 Depreciation fund income  
4 CSR 240-30.040 Uniform System of Accounts

The above-referenced rules and statutory provisions have been waived as to other interexchange carriers in prior cases.

8. Applicant, pursuant to Section 386.570, Cum. Supp. 1992, will comply with all applicable Commission rules except those which are specifically waived by the Commission pursuant to a request filed by the Applicant.

9. Correspondence or communications pertaining to this

Application should be addressed to:

Lance J.M. Steinhart, Esq.  
Lance J.M. Steinhart, P.C.  
1720 Windward Concourse, Suite 250  
Alpharetta, Georgia 30005  
(770) 232-9200  
(770) 232-9208 (Fax)

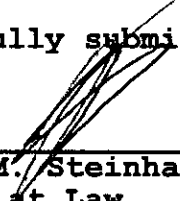
lsteinhart@telecomcounsel.com (Email)

10. The Applicant has no pending actions or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of this application. No Commission annual reports or assessment fees are overdue.

11. Grant of this Application will further the public interest by expanding the availability of competitive telecommunications services in the State of Missouri. In addition, intrastate offering of these services is in the public interest because the services will provide Missouri customers with access to new technologies and service choices, and can permit customers to achieve increased efficiencies and cost savings. In particular, the public will benefit directly, through the use of the competitive services to be offered by Applicant, and indirectly, because the presence of Applicant in this market will increase the incentives for other telecommunications providers to operate more efficiently, offer more innovative services, reduce their prices, and improve their quality of service.

**WHEREFORE**, Applicant, TRI-M COMMUNICATIONS, INC. d/b/a TMC Communications, respectfully requests that the Missouri Public Service Commission grant it a certificate of service authority to provide interexchange telecommunications services within the State of Missouri. Applicant also requests classification as a competitive telecommunications company and that its services be classified as competitive. In addition Applicant requests a waiver of the above-referenced rules and statutory provisions.

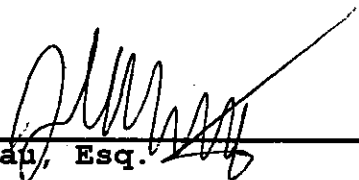
Respectfully submitted,



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Lance J.M. Steinhart, Esq.  
Attorney at Law  
Lance J.M. Steinhart, P.C.  
1720 Windward Concourse, Suite 250  
Alpharetta, Georgia 30005  
(770) 232-9200  
(770) 232-9208 (Fax)  
lsteinhart@telecomcounsel.com (Email)  
Georgia Bar No. 678222

and



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Judith A. Rau, Esq.  
Rau & Rau  
119 E. Mill Street  
Waterloo, Illinois 62298  
(618) 939-7186  
Missouri Bar No. 24856

Attorneys for Applicant



ATTACHED EXHIBITS

Exhibit I      Missouri Secretary of State Authorization

Exhibit II     Tariff

Exhibit III    Executive Officers' Qualifications and Experience  
Company's Telecommunications Background

**Exhibit I**  
**Missouri Secretary of State Authorization**

# STATE OF MISSOURI



**Rebecca McDowell Cook**  
**Secretary of State**

**CORPORATION DIVISION - CERTIFICATE OF AUTHORITY**

WHEREAS,  
TRI-M COMMUNICATIONS, INC.

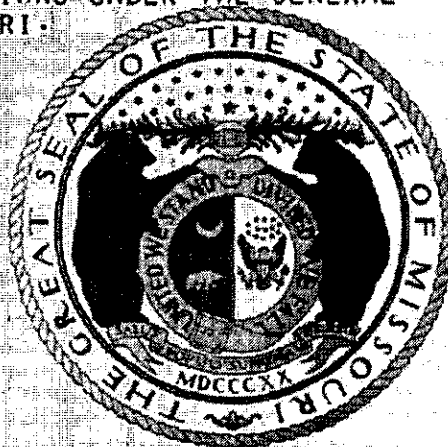
USING IN MISSOURI THE NAME  
TRI-M COMMUNICATIONS, INC.

HAS COMPLIED WITH THE GENERAL AND BUSINESS CORPORATION LAW WHICH GOVERNS FOREIGN CORPORATIONS; BY FILING IN THE OFFICE OF THE SECRETARY OF STATE OF MISSOURI AUTHENTICATED EVIDENCE OF ITS INCORPORATION AND GOOD STANDING UNDER THE LAWS OF THE STATE OF CALIFORNIA.

NOW, THEREFORE, I, REBECCA MCDOWELL COOK, SECRETARY OF STATE OF THE STATE OF MISSOURI, DO HEREBY CERTIFY THAT SAID CORPORATION IS FROM THIS DATE DULY AUTHORIZED TO TRANSACT BUSINESS IN THIS STATE, AND IS ENTITLED TO ALL RIGHTS AND PRIVILEGES GRANTED TO FOREIGN CORPORATIONS UNDER THE GENERAL AND BUSINESS CORPORATION LAW OF MISSOURI.

IN TESTIMONY WHEREOF, I HAVE SET MY HAND AND IMPRINTED THE GREAT SEAL OF THE STATE OF MISSOURI, ON THIS, THE 10TH DAY OF DECEMBER, 1997.

*Rebecca McDowell Cook*  
Secretary of State



\$155.00

**Exhibit II**  
**Tariff**

**Exhibit III**

**Executive Officers' Qualifications and Experience Company's  
Telecommunications Background**

# TMC EXECUTIVE PROFILE



## **John Marsch, Chief Executive Officer**

John Marsch is the C.E.O. and founder of TMC Communications. TMC is the latest successor to TMC of California (TMC Cal), a telecommunications company founded by Mr. Marsch in 1982. TMC Cal was one of the first long distance resellers in California. Under Mr. Marsch's leadership, TMC grew to become the largest reseller in California in 1990, with a commercial customer base of over 14,000 customers and monthly revenues of over \$3.5 million. Mr. Marsch sold the company in 1990 to a Swiss financial holding company for what was then thought to be the highest revenue multiple in the industry for a privately held company. In the same year, Mr. Marsch was nominated as Entrepreneur of the Year for the greater Los Angeles area. In 1996, he wrote the business plan and

developed the financial infrastructure for a start-up international wholesale reseller, leading to the company's successful Initial Public Offering.

In May of 1997, TMC Communications was reintroduced in California as a nationwide provider of long-distance service.

In November of 1998, Mr. Marsch was named one of "The 50 Most Influential People in Competitive Long Distance: by Phone+ Magazine, and was credited for giving birth to the concept of agent equity and bonus programs. A year later, Mr. Marsch and TMC Communications were inaugurated into the first Telecom Agent Industry "Vendor" Hall of Fame for launching the first widely accepted agent equity program.



## **John Gibbons, President & Vice Chairman of the Board**

Mr. Gibbons brings over 16 years of public company senior management experience in finance and executive management to the Board. He got his start in telecommunications with the original TMC Communications of California back in 1988, where he served as CFO & VP of Finance. From there he went on to various positions after the merger of TMC of California and Com Systems, and eventually became the General Manager & Sr. Vice President of Resurgens Communications which was merged into MCI/Worldcom in 1993. Most recently Mr. Gibbons served as President and Chief Executive Officer of The Sports Club Company, a developer and operator of luxury sports and fitness clubs.



## **Denise Moritz, Vice President of Operations, C.O.O.**

Ms. Moritz began her telecommunications career in 1984 as an Administrator for TMC Cal. She was promoted through several positions in operations and customer service and became Director of Operations, Southern Region. After the sale of TMC Cal, Ms. Moritz stayed with the company and continued her telecommunications career with Com Systems, and LDDS/Worldcom.

Ms. Moritz rejoined TMC as Director of Operations in July of 1997 and was promoted to Vice President of Operations and C.O.O. in November of 1997. Ms. Moritz's extensive experience in order fulfillment, customer service, and billing systems have enabled TMC to quickly build an exceptionally strong back-office.



## **Ron Ireland, Vice President & Chief Financial Officer**


Mr. Ireland joined TMC in March 1998 as Controller. In May of 1999, he was promoted to Vice President and Chief Financial Officer.

Prior to joining TMC, Mr. Ireland was the Vice President and Chief Financial Officer of The Bank of Ventura where he was responsible for all aspects of the daily operations of a small commercial bank including: financial reporting to a board of directors and various State and Federal regulators, automating the bank's internal reporting capabilities as well as managing the bank's investment portfolio.

State of California  
County of Santa Barbara

VERIFICATION


I, Ron Ireland, being duly sworn, declare that I am the Vice President of TRI-M COMMUNICATIONS, INC. d/b/a TMC Communications, the Applicant. I verify that, based upon information and belief, I have knowledge of the statements in the foregoing Application, and I declare that they are true and correct.

  
Ron Ireland  
Vice President

*Subscribed and sworn to me*

Sworn to before me, the undersigned Notary Public on this  
12th day of April, 2006.



  
Notary Public  
Leanne E. Namdaran  
Print or Type Name

My commission expires:

9/16/08


**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing Application for Certificate of Service Authority to Provide Interexchange Telecommunications Services Within the State of Missouri on the following parties, in accordance with the Commission rules:

Office of the Public Counsel  
P. O. Box 7800  
Jefferson City, MO 65102

General Counsel  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

Dated this 14 day of April, 2006.

  
\_\_\_\_\_  
Lance J.M. Steinhart  
Georgia Bar No. 678222

Lance J.M. Steinhart, P.C.  
1720 Windward Concourse  
Suite 250  
Alpharetta, Georgia 30005  
(770) 232-9200  
(770) 232-9208 (Fax)  
lsteinhart@telecomcounsel.com (Email)