

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

In the Matter of the Application of a Name)	
Change from Talk America, Inc. to Talk)	Case No. TN-2007-0276
America, Inc. d/b/a Cavalier Telephone)	Tariff Nos. YX-2007-0508,
and Talk America, Inc. d/b/a Cavalier)	YC-2007-0510 and YC-2007-0512
Business Communications)	

STAFF RECOMMENDATION

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

1. In the attached Memorandum, labeled Appendix A, the Staff recommends that the Missouri Public Service Commission recognize the use of the fictitious name “Cavalier Telephone” by Talk America, Inc.¹
2. The company has fulfilled the requirements of the Commission’s rule governing name changes at 4 CSR 240-2.060(5) in that the request contains (1) a Registration of Fictitious Name issued by the Missouri Secretary of State (demonstrating that Talk America, Inc. has registered the name Cavalier Telephone for use in Missouri); and (2) new tariffs identifying the new name.
3. Customers have been notified of the name change in compliance with 4 CSR 240-3.545(20), and Staff has reviewed the notice and found it acceptable.

¹ On October 2, 2006, Cavalier Telephone Corporation and Talk America Holdings, Inc. jointly filed an application (“Joint Application”) seeking approval of a transaction whereby a wholly-owned subsidiary of Cavalier Telephone Corporation would acquire indirect control of two Commission-regulated, wholly-owned subsidiaries of Talk America Holdings, Inc. (LDMI Telecommunications, Inc. and Talk America, Inc.) in Case No. TM-2007-0140. This case appears to relate to that transaction.

4. The company has submitted new tariff sheets with an effective date of February 22, 2007. Staff has reviewed the new tariff sheets and recommends that the Commission approve them.

WHEREFORE, Staff recommends that the Commission issue an order acknowledging that Talk America, Inc. will do business under the fictitious name of Cavalier Telephone; and approving the tariff sheets filed to effectuate that name change with an effective date of February 22, 2007.

Respectfully submitted,

/s/ David A. Meyer

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 7th day of February 2007.

/s/ David A. Meyer

Memorandum

To: Missouri Public Service Commission Official Case File
Case No. TN-2007-0276
Tariff No. YX-2007-0508, YC-2007-0510 and YC-2007-0512
Date: February 6, 2007

From: Sherri Kohly 02/06/07
Telecommunications Department

William L. Voight 02/06/07
Utility Operations Division/Date

William K. Haas 02/06/07
General Counsel's Office/Date

Subject: Staff Recommendation for Approval of Name Change

Existing Name of Company: Talk America, Inc.
Proposed Name of Company: Talk America, Inc. d/b/a Cavalier Telephone

The Telecommunications Department Staff (Staff) recommends the Commission approve the change of name and tariff sheet(s) for P.S.C. Missouri Tariff No. 1, No. 2 and No. 3 effective February 22, 2007.

Review Items

Administrative:

- ☒ No applications to intervene filed.
- ☒ Evidence of registration of the name change with the Missouri Secretary of State has been submitted.

- ☒ Customers have been notified. (4 CSR 240-3.545(20))
- ☐ Customers will be notified at or before the next billing cycle of any name change. (4 CSR 240-3.545(20))

Tariff:

- ☐ Adoption Notice
- ☐ Revised Title Page (see tariff review section below)
- ☒ New Tariff (see tariff review section below)

Tariff review items (as applicable):

- ☒ Properly formatted: (Company name, PSC MO No., Page #, Page revision #, proposed effective date)
- ☒ Identifies competitive classification.
- ☒ Identifies waivers granted.
- ☒ Customer specific pricing, if proposed, limited for private line, special access or Centrex-like services or to business customers in exchanges where the incumbent local exchange company has had its business services declared competitive pursuant to Section 392.245. (392.200(8)).

Appendix A

- ☒ Proposed rates do not establish geographic deaveraged rates (if not checked, explain in attachment). (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). (392.515(1))

Tariff review items (as applicable, only for CLECs):

- ☒ Tariff clearly indicates areas offering local service area
(____AT&T Missouri, ____CenturyTel, ____ Sprint, ____ Spectra, ____ Other)
- ☒ Tariff offers local service as a separate and distinct service.
- ☒ Switched access service rates capped at ILEC's rates.

Are there additional recommendations or special considerations?

☐ No

☒ Yes

If yes, explain in an attachment. (See below)

- ☒ The Company is not delinquent in filing an annual report and paying the PSC assessment.
 - ☐ The Company is delinquent. Staff recommends the Commission grant the requested relief/action on the condition the applicant corrects the delinquency. The applicant should be instructed to make the appropriate filing in this case after it has corrected the delinquency.
- (☐ No annual report ☐ Unpaid PSC assessment. Amount owed:)

Attachment I

On January 25, 2007, the Commission issued an Order Directing Staff to Investigate and File a Report regarding this application no later than February 14, 2007. Talk America, Inc.'s (Talk America's) application requested approval to provide service under two fictitious names. At the request of Staff, Talk America withdrew the tariffs proposing to add the fictitious name of Cavalier Business Communications (Tariff File Nos. YX-2007-0509, YC-2007-0511 and YC-2007-0513). Staff is recommending approval of the request to add the fictitious name of Cavalier Telephone only and recommends approval of the following proposed tariffs: YX-2007-0508, YC-2007-0510 and YC-2007-0512.

In the Matter of the Name Change from)
Talk America, Inc. to Talk America, Inc.)
d/b/a Cavalier Telephone and Talk)
America, Inc. d/b/a Cavalier Business
Communications

[illegible]

Sherri L Kohly
Sherri L. Kohly

A circular notary seal for the State of Missouri. The outer ring contains the text "NOTARY PUBLIC" at the top and "STATE OF MISSOURI" at the bottom, separated by small stars. In the center, the words "NOTARY SEAL" are printed in a bold, sans-serif font.

Susan L. Sundermeyer
NOTARY PUBLIC