

CURTIS, OETTING, HEINZ, GARRETT & O'KEEFE, P. C.
ATTORNEYS AT LAW

130 SOUTH BEMISTON, SUITE 200
ST. LOUIS, MISSOURI 63105
(314) 725-8788
FAX (314) 725-8789

LELAND B. CURTIS
PRINCIPAL

LCURTIS@COHGS.COM

August 14, 2002

FILED³
AUG 15 2002

Missouri Public
Service Commission

Secretary of the Commission
200 Madison Street, Suite 100
P.O. Box 360
Jefferson City, Missouri 65102-0360

Via Federal Express
833736654618

Re: Case No.: XA-2002-1079

Dear Secretary of the Commission:

Enclosed please find for filing with your office an original and nine (9) copies each of Schedules 2 and 3 to the Direct Testimony of LaCharles P. Keesee, II on behalf of ICG Telecom Group, Inc. filed with the Commission on August 9, 2002. These schedules were inadvertently omitted from the Mr. Keesee testimony. Upon your receipt, please file stamp the extra copies received and return to the undersigned in the enclosed, self-address, stamped envelope. If you have any questions, please contact me.

Very truly yours,



Leland B. Curtis

LBC:dn
Enclosures
cc. Parties of Record (W/Enclosure)

FILED⁴

MAY 17 2002

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

Missouri Public
Service Commission

In the Matter of the Application of)
)
ICG Telecom Group, Inc.)
)
to Expand Its Certificates of Service)
Authority to include provision of Local)
Exchange Telecommunications Service)
Statewide and to Continue to Classify)
the Company and)
Its Services as Competitive.)

Case No. XA-2002-1079

FILED³

AUG 15 2002

APPLICATION OF ICG TELECOM GROUP, INC

Missouri Public
Service Commission

COMES NOW, ICG Telecom Group, Inc. ("ICG"), by its undersigned counsel, and pursuant to the federal Telecommunications Act of 1996 ("Act"), Sections 392.361, 392.410, 392.420, 392.430, and 392.440 RSMo , and 4 CSR 240-2.060, hereby applies to expand its certificates of service authority to include provision of switched local exchange telecommunications service (other than basic local exchange service) throughout the State of Missouri. ICG already has obtained authority from the Commission to provide facilities-based and resold basic local telecommunications services in the service territories of Southwestern Bell Telephone Company ("SWBT"), Sprint Missouri, Inc. d/b/a Sprint ("Sprint"), and GTE Midwest Incorporated d/b/a Verizon Midwest, Inc. ("Verizon").¹ ICG also has already obtained certificates of service authority to provide interexchange services and non-switched local exchange services, limited to providing dedicated, non-switched local exchange private line services, throughout the state of Missouri.² ICG and its services have been classified as competitive. In this Application, ICG only seeks the additional authority to provide switched

¹ See Application of ICG Telecom Group, Inc. for a Certificate of Service Authority to Provide Basic Local Telecommunications Services in Portions of the State of Missouri and to Classify Said Services as Competitive, Case No. TA-98-589 (effective October 6, 1998). ICG's authority therefore now includes the service territory of Spectra Communications Group, LLC, which was purchased from Verizon.

local exchange services other than basic local exchange service throughout the State (i.e. beyond the service territories of SWBT, Sprint and Verizon). ICG does not seek any additional authority to provide basic local service. Additionally, pursuant to Sections 392.361 and 392.420 RSMo, ICG requests that its additional services be classified as competitive, that the company remain classified as competitive, and that certain statutes and regulations be waived as to its additional services. In support of its application ICG states as follows:

I. Qualifications

1. Applicant's legal name is ICG Telecom Group, Inc. ICG maintains its principal place of business at:

161 Inverness Drive West
Englewood, Colorado 80112
Telephone: (303) 414-5000

2. Contact Persons: All inquiries, correspondence, communications, pleadings, notices, orders and decisions relating to this Application should be directed to:

Carl J. Lumley
Leland B. Curtis
Curtis, Oetting, Heinz, Garrett & Soule, PC
130 S. Bemiston, Suite 200
Clayton, Missouri 63105
Telephone: (314) 725-8788
Facsimile: (314) 725-8789
Email: clumley@cohgs.com
lcurtis@cohgs.com

and

² See Application of ICG Telecom Group, Inc. for a Certificate of Service Authority to Provide Competitive Intrastate Interexchange and Local Exchange Telecommunications Services in the State of Missouri, Case No. TA-98-577 (effective August 14, 1998).

Bradford W. Bayliff
Casey & Gentz, L.L.P.
919 Congress Avenue, Suite 1060
Austin, Texas 78701
Telephone: (512) 225-0027
Facsimile: (512) 480-9200
Email: bbayliff@phonelaw.com

and

Amy Hartzler
Director, Business and Government Affairs
ICG Communications, Inc.
161 Inverness Drive West
Englewood, Colorado 80112

3. Corporate Liaison: Questions concerning the ongoing operation of ICG following certification should be addressed to:

Amy Hartzler
Director, Business and Government Affairs
ICG Communications, Inc.
161 Inverness Drive West
Englewood, Colorado 80112
Telephone: 303-414-5903
Facsimile: 303-414-5817
E-mail: amy_hartzler@icgcomm.com

4. Toll-Free Customer Service Number: ICG's toll-free customer service telephone number is:

(888) 424-4440

5. Corporate Structure: ICG Telecom Group, Inc. is a corporation organized on November 19, 1993, under Colorado law. ICG Telecom Group, Inc. is a wholly owned subsidiary of ICG Communications, Inc., a Delaware corporation. ICG is qualified to do business in the state of Missouri. A Certificate of Good Standing from the Missouri Secretary of State is attached hereto as *Exhibit 1*. The Verification of this Application is attached hereto as *Exhibit 2*.

6. Managerial and Technical Qualifications: ICG remains managerially and technically qualified to provide telecommunications services in the state of Missouri, as found in Case Nos. TA-98-577 and TA-98-589.

7. Financial Qualifications: ICG remains financially qualified to provide telecommunications services in the state of Missouri, as found in Case Nos. TA-98-577 and TA-98-589.

II. PROPOSED SERVICES

8. Description of Proposed Services: ICG is currently authorized to, and does, provide basic local exchange telecommunications services within the service territories of SWBT, Sprint, and Verizon, and interexchange and non-switched local exchange services statewide, and hereby seeks authorization to provide switched local exchange telecommunications service, other than basic local service, statewide on a facilities and resold basis. ICG's services are available on a full-time basis, 24 hours a day, 7 days a week.

9. Description of Proposed Facilities: ICG intends to deploy an independent network by either building its own facilities or leasing the facilities of other carriers. To the extent that any incumbent local exchange carrier possesses an exemption or suspension under Section 251(f) of the Act, ICG does not seek interconnection under Section 251(c) at this time, nor does ICG seek at this time to challenge any incumbent's exemption from any of the other obligations specified in Section 251(c). For the present time, ICG intends to lease the facilities of third-party carriers, or where necessary, purchase the tariffed services of incumbent local exchange carriers to support market entry and the exchange of traffic between incumbents' customers and ICG's customers.

10. Tariff Requirement: ICG requests a temporary waiver of 4 CSR 240-2.060(4)(H), which requires that an application for a certificate of service authority to provide local exchange services shall include a proposed tariff with a 45-day effective date. ICG finds it impossible at this time to develop tariffs to fully comply with this rule. At this time, ICG is still assimilating all the facts necessary to produce tariffs for its new services. ICG will file tariffs with a 45-day effective date in a manner consistent with the Commission's practice in similar cases before providing its new services in the expanded service areas.

III. CLASSIFICATION AS A COMPETITIVE TELECOMMUNICATIONS COMPANY AND WAIVER OF CERTAIN REGULATORY REQUIREMENTS

11. Classification of Services as Competitive: ICG also seeks continued classification as a competitive company, including classification of its proposed local exchange telecommunications services as competitive, pursuant to Section 392.361 and Section 392.420 RSMo and 4 CSR 240-2.060(6)(A), and the accompanying reduced regulation. In the Commission's previous order granting ICG a certificate of service authority, the Commission classified ICG as a competitive company.

12. Waiver of Rules: ICG will comply with all applicable Commission rules, except those that are waived by the Commission. Consistent with the Commission's treatment of other certificated competitive local exchange telecommunications companies, ICG requests that the following statutes and regulations be waived for ICG:

<u>Statutes</u>	<u>Missouri Public Service Commission Rules</u>
392.210.2	4 CSR 240-10.020
392.240 (1)	4 CSR 240-30.010 (2) (C)
392.270	4 CSR 240-30.040

392.280 4 CSR 240-32.030 (4) (C)

392.290 4 CSR 240-33.030

Statutes (continued)

392.300.2

392.310

392.320

392.330

392.340

13. Pending Actions: ICG does not have any pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or customer rates, which action, judgment, or decision has occurred within three years of the date of this Application.

14. Compliance with Orders and Regulations: ICG will comply with all orders and regulations of the Commission applicable to competitive local exchange telecommunications service providers.

15. Annual Reports and Fees: ICG does not have any overdue annual reports or assessment fees..

IV. PUBLIC INTEREST CONSIDERATIONS

16. The Commission granted ICG its current certificates of service authority, based in part upon finding that the grant of ICG's certificate was in the public interest. The grant of this Application will also further the public interest by expanding the availability of local exchange telecommunications services statewide. ICG's proposed services will create and enhance competition and expand customer service options consistent with the legislative goals set forth in

the federal Telecommunications Act of 1996 and Chapter 392 RSMo. In particular, the public will benefit directly through the use of the competitive local exchange services to be offered by ICG. The public will also benefit indirectly because the competitive presence of ICG statewide will increase the incentives for incumbents and others to operate more efficiently, offer more innovative services, reduce prices, and improve the quality and coverage of their services. One of the significant benefits ICG will bring to consumers is the ability to access advanced services over its network in areas in which those services are not competitively available or are nonexistent. 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 increase efficiencies and cost savings. Prompt approval of this Application also will expand the availability of innovative, high quality, and reliable telecommunications services within the State of Missouri.

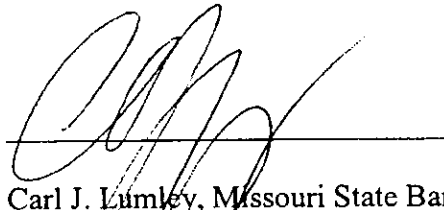
17. Grant of this Application will promote the availability of quality services and increased consumer choice for Missouri telecommunications consumers. Competition for customers statewide should result in benefits to consumers in the form of lower prices, better quality, and increased investment in broadband infrastructure. ICG's expertise in the telecommunications industry will allow it to provide economic and efficient services, thereby affording customers with an optimal combination of price, quality, and customer service. ICG anticipates that its proposed services will increase consumer choice of innovative, diversified, and reliable service offerings statewide and further the public interest.

18. ICG intends to offer its local exchange services to, among other customers, Internet Service Providers that currently do not have points of presence in many of the exchange areas covered by this Application. ICG has established nationwide contractual arrangements with

major Internet Service Providers for the deployment of points of presence on the ICG network. Consumers who currently place long distance calls for access to Internet Service Providers will benefit by the establishment of points of presence in their local calling areas. The Commission should therefore find that expanding ICG's certification to provide switched local exchange telecommunications services, other than basic local service, throughout the state of Missouri is also in the public interest.

WHEREFORE, ICG Telecom Group, Inc. respectfully requests that the Commission grant it the requested expansion of its certificates of service authority to include provision of switched local telecommunications services, other than basic local service, throughout the state of Missouri, classify its proposed services as competitive, continue to classify the company as competitive, and grant a waiver of the requested statutes and regulations.

Respectfully submitted,



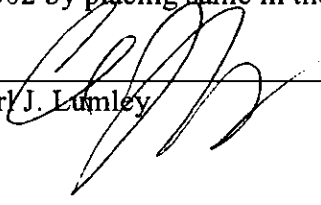
Carl J. Lumley, Missouri State Bar No. 32869
Leland B. Curtis, Missouri State Bar No. 20550
Curtis, Oetting, Heinz, Garrett & Soule, PC
130 S. Bemiston, Suite 200
Clayton, Missouri 63105
Telephone: (314) 725-8788
Facsimile: (314) 725-8789
Email: clumley@cohgs.com
lcurtis@cohgs.com

Bradford W. Bayliff
Casey & Gentz, L.L.P.
919 Congress Avenue, Suite 1060
Austin, Texas 78701
Telephone: (512) 225-0027
Facsimile: (512) 480-9200
Email: bbayliff@phonelaw.com

ATTORNEYS FOR ICG TELECOM GROUP, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was served upon the parties listed below on this 16 day of May, 2002 by placing same in the U.S. Mail, postage prepaid.



Carl J. Lumley

Office of the Public Counsel
PO Box 7800
Jefferson City, Missouri 65102

Office of General Counsel
Missouri Public Service Commission
PO Box 360
Jefferson City, Missouri 65102

EXHIBIT 1
CERTIFICATE OF GOOD STANDING

No. F00452407

STATE OF MISSOURI



Matt Blunt
Secretary of State

CORPORATION DIVISION

CERTIFICATE OF CORPORATE GOOD STANDING - FOREIGN CORPORATION

I, MATT BLUNT, Secretary of State of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that


ICG TELECOM GROUP, INC.

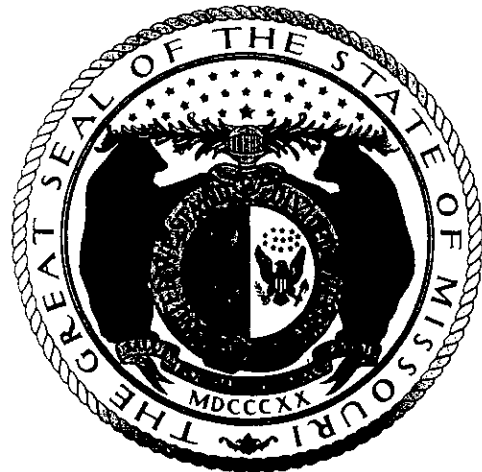
using in Missouri the name

ICG TELECOM GROUP, INC.

a COLORADO corporation filed its Evidence of Incorporation with this State on the 23rd day of FEBRUARY, 1998, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 9th day of MAY, 2002.


Secretary of State



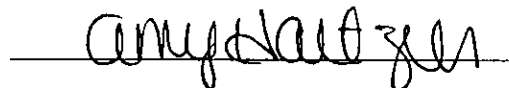
EXHIBIT

EXHIBIT 2
VERIFICATION

VERIFICATION

STATE OF COLORADO)
)
COUNTY OF ARAPAHO) ss:

I, Amy Hartzler, being first duly sworn, depose and state that I am over the age of 21 years, sound of mind, and the Director, Business and Government Affairs of ICG Communications, Inc., the parent company of ICG Telecom Group, Inc., the Applicant in the subject proceeding, and that I am authorized to make this Verification on behalf of ICG Telecom Group, Inc.; that I have read the foregoing Application and know the contents thereof; and that the same is true and correct to the best of my knowledge, information, and belief. Further, I verify that the Applicant will comply with all other applicable rules and regulations. I also verify that Carl J. Lumley, Leland B. Curtis, and Curtis, Oetting, Heinz, Garrett & Soule, PC, 130 S. Bemiston, Suite 200, Clayton, Missouri, 63105 are authorized to sign all pleadings and documents necessary to receive the approval of the Missouri Public Service Commission of the foregoing Application, and to represent ICG Telecom Group, Inc. in this proceeding.



Amy Hartzler
Director, Business and Government Affairs
ICG Communications, Inc.

Subscribed and sworn to before me this 14th day of May, 2002.



My commission expires: March 3, 2003

