

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

In the Matter of the Application of TCG Kansas City, Inc.)
to Expand its Certificate of Basic Local Exchange)
Telecommunications Service Authority to include)
Windstream Missouri's Exchanges.)

Case No. _____

**TCG KANSAS CITY, INC.'S APPLICATION FOR EXPANSION
OF BASIC LOCAL EXCHANGE
TELECOMMUNICATIONS SERVICE AUTHORITY**

I. Introduction

TCG Kansas City, Inc. respectfully files this Application to expand its certificate of basic local exchange telecommunications service authority to include Windstream Missouri, Inc.'s exchanges and to classify the Company and its services in those exchanges as competitive.¹ TCG Kansas City and Windstream Missouri have recently concluded an interconnection agreement, which was submitted by Windstream Missouri on August 18, 2009, and approved by the Missouri Public Service Commission ("Commission") on September 30, 2009.²

TCG Kansas City has been certificated to provide and is currently providing basic local exchange service as a competitive telecommunications company in AT&T Missouri's³ exchanges in the Kansas City LATA. TCG Kansas City now seeks the expansion of this service authority to Windstream Missouri's exchanges. TCG Kansas City also requests the waivers it previously received from the Commission of certain statutes and regulations be extended to TCG Kansas City's offering of service in these additional exchanges.

¹ TCG Kansas City submits this application pursuant to the Federal Telecommunications Act of 1996 ("the Act"); Sections 392.361, 392.410, 392.420, 392.430, 392.440, 392.450 and 392.455 RSMo; and 4 CSR 240-2.060 and 4 CSR 240.3.510.

² See MoPSC File No. IK-2010-0057.

³ Southwestern Bell Telephone Company, d/b/a AT&T Missouri will be referenced in this Application as "AT&T Missouri."

II. Application for Service Authority, Competitive Classification and Waivers

A. Description of the Applicant

1. TCG Kansas City is a Delaware corporation with its principal office at One AT&T Way, Bedminster, New Jersey, 07921. It may be contacted at the electronic mail address, facsimile and telephone numbers of its attorneys, as set out under the signature block of this Application.

TCG Kansas City is authorized to do business in Missouri.⁴ TCG Kansas City is a “local exchange telecommunications company” and a “public utility,” and is duly authorized to provide “telecommunications service” within the State of Missouri, as each of those phrases is defined in Section 386.020, RSMo. 2000.

2. All correspondence, pleadings, orders, decisions, and communications regarding this proceeding should be sent to:

Leo J. Bub
Robert J. Gryzmala
Attorneys for TCG Kansas City
One AT&T Center, Suite 3520
St. Louis, Missouri 63101

B. Qualifications

3. TCG Kansas City remains managerially and technically qualified to provide basic local telecommunication services in the state of Missouri, as found in Case Numbers TA-96-345 and TA-96-446. It has been successfully providing basic local service in Missouri since it commenced operations in 1998.

4. TCG Kansas City remains financially qualified to provide telecommunications services in the state of Missouri, as found in Case Number TM-98-253. TCG Kansas City’s financials are reflected in the Annual Reports that it has filed with the Commission each year. In addition, TCG Kansas City is providing on a Highly Confidential basis its income statement for the

⁴ A copy of TCG Kansas City’s Certificate of Good Standing from the Missouri Secretary of State was filed with the Commission on October 16, 2007 in Case No. CK-2008-0109.

twelve months ending December 31, 2008, and its balance sheet as of December 31, 2008, as Attachments 1(HC) and 2(HC).

C. Description of Services

5. TCG Kansas City is currently authorized to, and does, provide basic local exchange telecommunications services within the service territory of AT&T Missouri pursuant to approved tariffs. TCG Kansas City requests the Commission take administrative notice of its local exchange service tariffs, which are incorporated into this application by reference.⁵ TCG Kansas City seeks additional authorization to provide basic local service in the exchanges served by Windstream Missouri. TCG Kansas City's new service area will follow the boundaries of Windstream Missouri's exchanges and will not be smaller than an exchange. TCG Kansas City's services meet established Commission standards.

6. Concurrent with this Application, TCG Kansas City is filing revised tariff pages reflecting the expansion of its service to include the Windstream exchanges.⁶ TCG's proposed tariffs bear an effective date no less than 45 days from the issue date, consistent with the Commission's practice in similar cases.

7. TCG Kansas City seeks continued classification as a competitive telecommunications company, including classification of its basic local exchange telecommunications service in the new service area as competitive, pursuant to Section 392.361 RSMo. and 4 CSR 240-3.510(1)(A). In the Commission's orders granting TCG Kansas City a certificate of service authority, the Commission previously classified TCG Kansas City and its services as competitive.

⁵TCG Kansas City, Inc. Local Exchange Services Tariff, P.S.C. Tariff No. 1.

⁶ An illustrative copy of the proposed tariff sheets are appended as Attachment 3.

8. TCG Kansas City will continue to offer basic local service as a separate and distinct service, including in the new service area. TCG Kansas City will give consideration to equitable access for all Missourians, regardless of where they might reside or their income, to affordable telecommunications service in the new service area, in accordance with applicable law.

D. Compliance with Rules and Request for Waiver

9. TCG Kansas City will comply with all applicable Commission rules, except as waived by the Commission, in providing basic local service in the new service area, including, but not limited to tariff filing and maintenance in a manner consistent with the Commission's requirement for incumbent local exchange carriers and interexchange carriers with whom TCG Kansas City seeks to compete. Additionally, TCG Kansas City agrees that, pursuant to Section 392.455(3)(4) RSMo. 2000, its service area shall be no smaller than an exchange.

10. Consistent with the Commission's treatment of other certificated competitive local exchange telecommunications companies, TCG Kansas City requests a waiver of the following statutes and regulations for its services in the new service area:

Statutes

392.210.2 Uniform System of Accounts
392.240.1 Just & Reasonable Rates
392.270 Ascertain Property Values
392.280 Depreciation Accounts
392.290 Issuance of Securities
392.300 Acquisition of Stock
392.310 Issuance of stock and debt
392.320 Stock dividend payment
392.330 Issuance of securities, debts & notes
392.340 Reorganizations

Rules

4 CSR 240-10.020	Depreciation Fund Income
4 CSR 240-30.040	Uniform System of Accounts
4 CSR 240-3.550(5)(C)	File Exchange Boundary Maps with Commission
4 CSR 240-3.550(4)(5A)	Service Quality Reporting
4 CSR 240-32.060	Engineering and Maintenance
4 CSR 240-32.070	Quality of Service

4 CSR 240-32.080	Service Objectives and Surveillance Levels
4 CSR 240-33.040(1-3)(5-10)	Billing and Payment Standards
4 CSR 240-33.045	Separate Identification of Charges on Customer Bills
4 CSR 240-33.080(1)	
4 CSR 240-33.130(1)(4)(5)	

These rules and statutory provisions have been waived by the Commission for TCG Kansas City and for other competitive companies in prior cases. No public utility will be affected by the Commission's granting the requested waivers.

11. Notwithstanding the provisions of Section 392.500 and 392.510 RSMo, as a condition of the requested certification and competitive classification, TCG Kansas City agrees that, unless otherwise ordered by the Commission, TCG Kansas City's originating and terminating switched exchange access rates in the new service area will be no greater than the lowest Commission-approved corresponding access rate in effect for the incumbent local exchange carrier within that service area in which TCG Kansas City seeks authority to provide service (i.e., Windstream Missouri). Additionally, pursuant to the Commission's Report and Order in Case No. TO-99-596, TCG Kansas City agrees that if Windstream Missouri decreases its current originating and/or terminating access service rates, TCG Kansas City shall file an appropriate tariff amendment to reduce its corresponding originating and/or terminating access rates within thirty (30) days of Windstream Missouri's reduction of its originating and/or terminating access rates in order to maintain the cap on switched exchange access rates.

12. TCG Kansas City has no unsatisfied final judgments or decisions against it from any state or federal agency or court, which involves retail customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of this application.

13. TCG Kansas City does not have any overdue annual reports or regulatory assessment fees.

E. Public Interest Considerations

14. TCG Kansas City submits that the public interest will be served by Commission approval of this application because the proposed services will create and enhance competition and expand customer service options consistent with the legislative goals of the Telecommunications Act of 1996, and Chapter 392 RSMo 2000. Prompt approval of this application will further expand the availability of innovative, high quality, and reliable telecommunication services within the state of Missouri.

III. Conclusion

WHEREFORE, TCG Kansas City respectfully requests the Commission grant this Application by expanding TCG Kansas City's certificate of service authority to include the provision of basic local telecommunications services in the Windstream Missouri exchanges; classifying TCG Kansas City and its basic local service in the new service territory as competitive; and waiving the statutes and regulations identified in this Application as to TCG Kansas City's provision of service in its new service area.

Respectfully submitted,

TCG KANSAS CITY

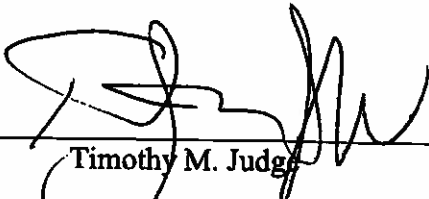
BY 
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COUNTY OF COLE)
)
STATE OF MISSOURI) SS

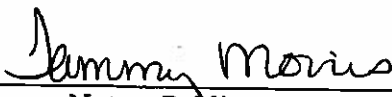
VERIFICATION

I, Timothy M. Judge, being duly sworn upon my oath, state that I am over twenty-one, sound of mind, and Director-Regulatory of AT&T Services, Inc. I am authorized to act on behalf of AT&T Missouri regarding the foregoing document. I have read it and verify that the facts contained in it are true and correct according to the best of my knowledge, information and belief.

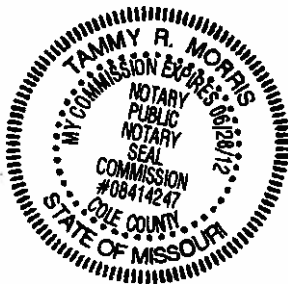


Timothy M. Judge

Sworn and subscribed to before me this 13 day of OCTOBER, 2009.

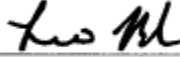


Notary Public



CERTIFICATE OF SERVICE

Copies of this document were served on the following parties by e-mail on October 13, 2009.



Leo J. Bub

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ATTACHMENTS

- 1(HC). TCG Kansas City, Inc. Income Statement for the twelve months ending 12/31/08 (Highly Confidential).
- 2(HC). TCG Kansas City, Inc. Balance Sheet as of 12/31/08 (Highly Confidential).
3. TCG Kansas City, Inc.'s illustrative tariff reflecting expanded service territory.

ATTACHMENT 1

IS

HIGHLY CONFIDENTIAL

IN ITS ENTIRETY

ATTACHMENT 2

IS

HIGHLY CONFIDENTIAL

IN ITS ENTIRETY

SECTION 4 – END USER NETWORK ACCESS SERVICE

4.4 Exchange Areas (Cont'd.)

4.4.1 Description (Cont'd.)

This tariff also applies to the following GTE Company exchanges:

Lawson
Plattsburg
Trimble

This tariff also applies to the following Windstream Communications, Inc. exchanges: (AT)

Albany	Halfway	Piedmont
Aldrich	Iberia	Pleasant Hope
Allendale	Jameson	Polk
Bellflower	Laclede	Ponder
Bolivar	Liberal	Purdy
Coffey	Madison	Rothville
Crocker	Martinsburg	Silex
Clubb	Mendon	St. Elizabeth
Dixon	Middletown	Stark City
Doniphan	Milean	Stockton
Eolia	Mindenmines	Stotts City
Fairdealing	Morrisville	Stover
Fair Play	Myrtle	Sumner
Fairview	Naylor	Union Star
Florence	Neelyville	Vandalia
Gallatin	New Hartford	Verona
Grandin	Olney	Wappapello Park
Grant City	Oxly	Wheaton
Greenville	Patterson	Williamsville
Holliday	Pattonburg	Winston

(AT)

Issued:

Effective:

Issued By: Carol E. Paulsen, Director Regulatory
208 S. Akard Street
Dallas, TX 75202