

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

CARL J. LUMLEY  
PRINCIPAL

CLUMLEY@COHGS.COM

March 11, 2003

FILED<sup>2</sup>

MAR 12 2003

Secretary of the Public Service Commission  
Missouri Public Service Commission  
200 Madison, Suite 100  
Jefferson City, Missouri 65101

Via Federal Express  
839172374633

Missouri Public  
Service Commission

Re: In the matter of the Application of US LEC Communications, Inc. for  
a certificates of service authority to provide Interexchange Services in the  
State of Missouri and to classify said services and the company as  
competitive

Dear Secretary of the Commission:

Enclosed please find for filing with your office an original and nine (9) copies of US LEC Communications, Inc.'s Application for Interexchange Certificate of Service Authority and Competitive Classification. Upon your receipt, please process and return a file stamped copy to the undersigned. If you have any questions, please contact me.

Very truly yours,

  
Carl J. Lumley

CJL:dn

Enclosure

cc. Office of Public Counsel (W/Enclosure)  
General Counsel (W/Enclosure)

MAR 12 2003

Missouri Public  
Service Commission

APPLICATION OF US LEC  
COMMUNICATIONS INC.  
FOR A CERTIFICATE OF SERVICE  
AUTHORITY TO PROVIDE  
INTEREXCHANGE SERVICES.

**Docket No.** \_\_\_\_\_

US LEC COMMUNICATIONS INC. ("US LEC" or "Applicant"), pursuant to Sections 392.361, 392.410, 392.420, 392.430 and 392.440 of the Revised Statutes of Missouri and 4 CSR 240-2.060, hereby applies to the Missouri Public Service Commission ("Commission") for a Certificate of Service Authority authorizing US LEC to provide and resell interexchange telecommunications services in the State of Missouri and for competitive classification of the company and its services. In support thereof, the following is respectfully shown:

1. **Name and Address.** The full legal name, address, and telephone number of the corporation at its principal office is:

US LEC COMMUNICATIONS INC.  
Morrocroft III  
6801 Morrison Blvd.  
Charlotte, NC 28211  
T-704-319-1946  
F-704-602-1946  
glunsford@uslec.com

2. **Corporate Registration.** US LEC is a Corporation that was duly organized and continues to exist under the laws of the State of North Carolina. US LEC is qualified to transact business in the State of Missouri. A copy of US LEC's Certificate of Authority for Missouri is attached as Exhibit "A".

3. **Scope of Proposed Services.** US LEC wants to offer, in the entire state of Missouri, long distance telephone service (interexchange) to business and residential customers. Customers subscribed to US LEC will be able to use their services for all their long distance calls (intrastate, interstate and international).

4. **Commission Correspondence.** All inquiries, correspondence, communications, pleadings, notices, orders and decisions relating to the case should be addressed to:

Carl J. Lumley  
Leland B. Curtis  
Curtis, Oetting, Heinz, Garrett & O'Keefe, P.C.  
130 S. Bemiston, Suite 200  
St. Louis, Missouri 63105  
(314) 725-8788  
(314) 725-8789 (FAX)  
[clumley@cohgs.com](mailto:clumley@cohgs.com)  
[lcurtis@cohgs.com](mailto:lcurtis@cohgs.com)

Greg Lunsford  
Regulatory Manager  
US LEC COMMUNICATIONS INC.  
Morrocroft III  
6801 Morrison Blvd.  
Charlotte, NC 28211  
T-704-319-1946  
F-704-602-1946  
glunsford@uslec.com

Notices, correspondence, communications, orders, decisions, and other papers may be served upon US LEC's attorneys and such service shall be deemed to be service upon US LEC in this matter.

5. **Public Interest Considerations.** The entry of Applicant into the resale and provision of interexchange telecommunications business in Missouri will enhance competition in the provision of telecommunications services within the State of Missouri and offer consumers an array of competitively-priced service options. Applicant will commence service through resale. By enhancing competition, Applicant will bring significant benefits to telecommunications users within the State of Missouri. Applicant anticipates that its proposed service will increase consumer choice through innovative, diversified and reliable service offerings. Applicant is fit, financially able, and in good faith intends to provide its service to the Missouri public as soon as it receives the requisite authority. Thus, grant of Applicant's petition will promote the public interest in the State of Missouri.

6. **Pending Action or Unsatisfied Judgments Statement.** US LEC 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 rates, which action, judgment or decision has occurred within three years of the date of the application.

7. **Proposed Tariff and Description of Service.** US LEC's tariff, attached as Exhibit "B", contains a detailed description of US LEC's proposed service.

8. **Annual Report or Assessment Statement.** US LEC does not have any annual report or assessment fees overdue.

9. **Listing of Waivers.** US LEC requests waivers of statutes 392.210.2, 392.240(1), 392.270, 392.280, 392.290, 392.300.2, 392.310, 392.320, 392.330, 392.340 and rules 4 CSR 240-10.020, 4 CSR 240-30.010(2)(C) [as of 4/2/03, 4 CSR 240-3.545(2)(c)], 4 CSR 240-30.040 and 4 CSR 240-33.030.

10. **Competitive Company.** US LEC requests to be classified as a competitive telecommunications company providing competitive services.

**WHEREFORE,** US LEC respectfully requests the Commission to issue a Certificate of Service Authority authorizing US LEC to provide, under tariff filed

herewith, interexchange telecommunications services within the State of Missouri, and classify US LEC and its services as competitive.

Respectfully submitted,

By: 

Carl J. Lumley, #32869  
Leland B. Curtis, #20550  
CURTIS, OETTING, HEINZ,  
GARRETT & O'KEEFE, P.C.  
130 S. Bemiston, Suite 200  
St. Louis, Missouri 63105  
(314) 725-8788  
(314) 725-8789 (Fax)  
[clumley@cohgs.com](mailto:clumley@cohgs.com)  
[lcurtis@cohgs.com](mailto:lcurtis@cohgs.com)

Attorneys for US LEC

STATE OF NORTH CAROLINA )  
 ) SS.  
COUNTY OF MECKLENBURG )

**VERIFICATION**

I, GREG LUNSFORD, first being duly sworn, state on my oath that I am over the age of twenty-one years, sound of mind, and the Regulatory Manager of US LEC Communications Inc. I am authorized to act on behalf of US LEC Communications Inc., regarding the foregoing application. I have read the application and I am informed and believe the matters contained therein are true. Further, I hereby confirm that Carl J. Lumley and Leland B. Curtis of Curtis, Oetting, Heinz, Garrett & O'Keefe, P.C. 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 US LEC Communications Inc., in this proceeding.

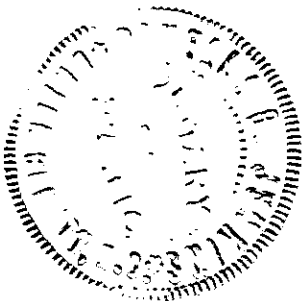
*Greg Lunsford*

On this 10<sup>th</sup> day of March, 2003, before me, a Notary Public, personally appeared Greg Lunsford, and being first duly sworn upon his oath stated that he is over twenty-one, sound of mind and the Regulatory Manager of applicant US LEC Communications Inc., and that he signed and foregoing document as Regulatory Manager, and the facts contained therein are true and correct according to the best of his information, knowledge and belief.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year above-written.

*Pamela B. Jenkins*  
Notary Public

My Commission Expires: August 5, 2004

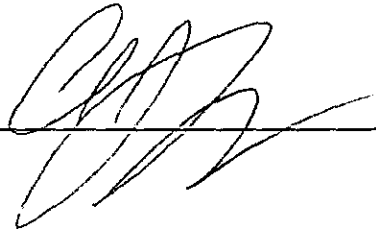


**Certificate of Service**

A true and correct copy of the foregoing document was mailed this  
11th day of March, 2003, by placing same in the U.S.  
Mail, postage paid to:

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

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

  
A handwritten signature in black ink is written over a horizontal line.



---

**BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION**

Application of US LEC Communications Inc.

---

**CERTIFICATE OF AUTHORITY  
TO TRANSACT BUSINESS**



**EXHIBIT  
A**

---

No. F00504711

# 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


US LEC COMMUNICATIONS INC.

using in Missouri the name

US LEC COMMUNICATIONS INC.

a NO. CAROLINA corporation filed its Evidence of Incorporation with this State on the 18th day of JANUARY, 2002, 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 11th day of MARCH, 2003.

  
Secretary of State

