

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In Re: Application of Voicecom Telecommunications, LLC, for a Certificate of Service to Provide Intrastate Resale of Telecommunications Services Within the State of Missouri.)))))	<u>Case No. XA-2006-0178</u> Tariff No. JX-2006-0288
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ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE
AUTHORITY AND ORDER APPROVING TARIFF

Issue Date: November 29, 2005

Effective Date: December 4, 2005

This order grants Voicecom Telecommunications, LLC, a certificate of service authority to provide interexchange telecommunications services and approves the company's proposed tariff.

Voicecom Telecommunications, LLC, applied to the Public Service Commission on October 20, 2005, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 2000.¹ Voicecom asked the Commission to classify it as a competitive company and waive certain statutes and rules as authorized by Sections 392.361 and 392.420. Voicecom is a Delaware corporation with its principal office located at 5900 Windward Parkway, Suite 500, Alpharetta, Georgia 30005.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on October 25, 2005, directing parties

¹ All statutory references are to the Revised Statutes of Missouri (RSMo), revision of 2000, unless otherwise indicated.

wishing to intervene to file their requests by November 9, 2005. No requests for intervention were filed.

Voicecom filed a proposed tariff in conjunction with its application and filed substitute sheets on November 18, 2005. The tariff's effective date is December 4, 2005. Voicecom's tariff describes the rates, rules, and regulations it intends to use, identifies Voicecom as a competitive company, and lists the waivers requested. Voicecom intends to provide switched intrastate long distance telecommunications resale services to residential and business subscribers.

In its Memorandum filed on November 22, 2005, the Staff of the Commission recommended that the Commission grant Voicecom a certificate of service authority, competitive status, and waiver of the statutes and rules listed in the Notice. Staff recommended that the Commission approve the proposed tariff as amended to become effective on December 4, 2005.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Voicecom shall be granted a certificate of service authority. The Commission finds that the services Voicecom proposes to offer are competitive, and Voicecom shall be classified as a competitive company. The Commission finds that waiving the statutes and Commission rules set out in the ordered paragraph below is reasonable and not detrimental to the public interest.

The Commission finds that Voicecom's proposed tariff details the services, equipment, and pricing it proposes to offer. The Commission finds that the proposed tariff filed on October 20, 2005, shall be approved as amended to become effective on December 4, 2005.

The Commission reminds the company that failure to comply with its regulatory obligations may result in the assessment of penalties against it. These regulatory obligations include, but are not limited to, the following:

A) The obligation to file an annual report, as established by Section 392.210, RSMo 2000. Failure to comply with this obligation will make the utility liable to a penalty of \$100 per day for each day that the violation continues. 4 CSR 240-3.540 requires telecommunications utilities to file their annual report on or before April 15 of each year.

B) The obligation to pay an annual assessment fee established by the Commission, as required by Section 386.370, RSMo 2000.

C) The obligation to comply with all relevant laws and regulations, as well as orders issued by the Commission. If the company fails to comply, it is subject to penalties for noncompliance ranging from \$100 to \$2,000 per day of noncompliance, pursuant to Section 386.570, RSMo 2000.

D) The obligation to keep the Commission informed of its current address and telephone number.

Furthermore, the company is reminded that, if it is a corporation, non-attorneys may not represent the company before the Commission. Instead, the corporation must be represented by an attorney licensed to practice law in Missouri.

In addition, the company is reminded that Section 392.410.5, RSMo Supp. 2004, renders the company's certificate of service authority null and void one year from the date of this order unless it has exercised its authority under that certificate.

IT IS THEREFORE ORDERED:

1. That Voicecom Telecommunications, LLC, is granted a certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri, subject to all applicable statutes and Commission rules except as specified in this order.
2. That the certification granted herein is conditioned upon the company's compliance with the regulatory obligations in this order.
3. That Voicecom Telecommunications, LLC, is classified as a competitive telecommunications company. Application of the following statutes and regulatory rules shall be waived:

Statutes

- 392.210.2 - uniform system of accounts
- 392.240.1 - rates-rentals-service & physical connections
- 392.270 - valuation of property (ratemaking)
- 392.280 - depreciation accounts
- 392.290 - issuance of securities
- 392.300.2 - acquisition of stock
- 392.310 - stock and debt issuance
- 392.320 - stock dividend payment
- 392.330 - issuance of securities, debts and notes
- 392.340 - reorganization(s)

Commission Rules

- 4 CSR 240-10.020 - depreciation fund income
- 4 CSR 240-30.040 - uniform system of accounts

4. That the tariff filed by Voicecom Telecommunications, LLC, on October 20, 2005, under tariff number JX-2006-0288, is approved as amended to become effective on December 4, 2005. The tariff approved is:

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5. That this order shall become effective on December 4, 2005.
6. That this case may be closed on December 5, 2005.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Nancy Dippell, Senior Regulatory Law
Judge, by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 29th day of November, 2005.