

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Aero Communications,)	
LLC for Certificate of Service Authority to Provide)	
Intrastate Interexchange and Nonswitched Local)	<u>Case No. XA-2006-0277</u>
Exchange Telecommunications Services Within the State)	Tariff No. YX-2006-0514
of Missouri and for Competitive Classification.)	

ORDER APPROVING INTEREXCHANGE AND
NONSWITCHED LOCAL EXCHANGE CERTIFICATE OF SERVICE
AUTHORITY AND ORDER APPROVING TARIFF

Issue Date: February 9, 2006

Effective Date: February 13, 2006

Syllabus: This order grants Aero Communications, LLC a certificate of service authority to provide interexchange and nonswitched local exchange telecommunications services, restricted to providing dedicated private line services, and approves the company's proposed tariff.

Aero Communications, LLC applied to the Missouri Public Service Commission on December 27, 2005, for a certificate of service authority to provide intrastate interexchange and nonswitched local exchange telecommunications services in Missouri under Sections 392.410, RSMo Supp. 2005, through 392.450, RSMo 2000.¹ Aero asked the Commission to classify it as a competitive company and to waive certain statutes and rules as authorized by Sections 392.361 and 392.420. Aero is an Illinois corporation with its principal office located at 1301 Broadway, Suite 126, Paducah Kentucky, 42001.

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

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on December 27, 2005, directing parties wishing to intervene to file their requests by January 11, 2006. No requests for intervention were filed.

Aero filed a proposed tariff in conjunction with its application and filed substitute tariff pages on January 26, 2006. The tariff's effective date of February 13, 2006. Aero's tariff describes the rates, rules, and regulations it intends to use, identifies NTM as a competitive company, and lists the waivers requested. Aero intends to provide interexchange and nonswitched local exchange telecommunications services.

In its Memorandum filed on January 30, 2006, the Staff of the Commission recommended that the Commission grant Aero a certificate of interexchange service authority and a certificate of service authority for local exchange telecommunications service on the condition that this authority is restricted to providing dedicated private line services. Staff recommended that the Commission grant Aero competitive status, and waiver of the statutes and rules listed in the Notice. Staff recommended that the Commission approve the proposed tariff to become effective on February 13, 2006.

The Commission finds that competition in the intrastate interexchange and nonswitched local exchange telecommunications markets is in the public interest and Aero should be granted certificates of service authority. The Commission finds that the services Aero proposes to offer are competitive and Aero should 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 Aero's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri

certificated interexchange and local exchange carriers. The Commission finds that the proposed tariff filed on December 23, 2005, should be approved to become effective on February 13, 2006.

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. 2005, 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 ORDERED THAT:

1. Aero Communications, 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. Aero Communications, LLC is granted a certificate of service authority to provide nonswitched local exchange telecommunications services in the state of Missouri, limited to providing dedicated private line services, subject to all applicable statutes and Commission rules except as specified in this order.

3. The certification granted herein is conditioned upon the company's compliance with the regulatory obligations in this order.

4. Aero Communications, 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 |

5. The tariff filed by Aero Communications, LLC on December 23, 2006, as tariff number YX-2006-0514, is approved as amended to become effective on February 13, 2006. The tariff approved is:

MO PSC No. 1

Original Title Page through Original Page 55

6. This order shall become effective on February 13, 2006.
7. This case may be closed on February 14, 2006.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Kennard L. Jones, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 9th day of February, 2006.