

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Tri-M)	
Communications, Inc., d/b/a TMC)	
Communications for a Certificate of Service)	<u>Case No. XA-2006-0410</u>
Authority to Provide Interexchange)	Tariff No. YX-2006-0804
Telecommunications Services and to Classify)	
Such Services and the Company as)	
Competitive.)	

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE
AUTHORITY AND ORDER APPROVING TARIFF

Issue Date: November 15, 2006

Effective Date: November 25, 2006

Syllabus: This order grants TRI-M Communications, Inc., d/b/a TMC Communications (TMC) a certificate of service authority to provide interexchange telecommunications services and approves the company's proposed tariff.

TRI-M Communications, Inc., d/b/a TMC Communications (TMC) applied to the Missouri Public Service Commission on April 20, 2006, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 2000.¹ TMC 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. TMC is a California corporation with its principal office located at 820 State Street, 5th Floor, Santa Barbara, California 93101.

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 April 25, 2006, directing parties wishing to intervene to file their requests by May 10, 2006. No requests for intervention were filed.

TMC filed a proposed tariff in conjunction with its application with an effective date of November 25, 2006. TMC's tariff describes the rates, rules, and regulations it intends to use, identifies TMC as a competitive company, and lists the waivers requested. TMC intends to provide interexchange telecommunications services including intrastate, interexchange telecommunications services services.

In its Memorandum filed on November 14, 2006, the Staff of the Commission recommended that the Commission grant TMC 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 to become effective on November 25, 2006.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and TMC shall be granted a certificate of service authority. The Commission finds that the services TMC proposes to offer are competitive and TMC 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 TMC's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated interexchange carriers. The Commission finds that the proposed tariff filed on April 20, 2006, shall be approved to become effective on November 25, 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. TRI-M Communications, Inc., d/b/a TMC Communications 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. The certification granted herein is conditioned upon the company's compliance with the regulatory obligations in this order.

3. TRI-M Communications, Inc., d/b/a TMC Communications 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. The tariff filed by TRI-M Communications, Inc., d/b/a TMC Communications on April 20, 2006, under tariff number YX-2006-0804, is approved to become effective on November 25, 2006. The tariff approved is:

PSC MO TARIFF No. 1
Original Page 1 through Original Page 32

5. This order shall become effective on November 25, 2006.
6. This case may be closed on November 26, 2006.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Cherlyn D. Voss, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 15th day of November, 2006.