

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Zoom-I-Net)	
Communications, Inc., for a Certificate of Service)	
Authority to Provide Interexchange Services in the)	<u>Case No. XA-2005-0314</u>
State of Missouri and to Classify Said Services)	
and the Company as Competitive.)	

ORDER APPROVING INTEREXCHANGE
CERTIFICATE OF SERVICE AUTHORITY

This order grants Zoom-I-Net Communications, Inc., a certificate of service authority to provide interexchange telecommunications services.

Zoom-I-Net Communications, Inc., applied to the Missouri Public Service Commission on March 18, 2005, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 2000.¹ The application included an illustrative tariff. Zoom-I-Net 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. Zoom-I-Net is a Nevada corporation with its principal office located at 198 North Ridge Drive, Central Square, New York 13036.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on March 29, 2005, directing parties wishing to intervene to file their requests by April 13, 2005. No requests for intervention were filed.

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

On March 28, 2005, the Commission issued an Order Directing Filing directing Zoom-I-Net to clarify the rules it wished to have waived. On April 4, 2005, Zoom-I-Net filed a response stating that it requests a waiver of 4 CSR 240-3.510(1)(C), 4 CSR 240-10.020, and 4 CSR 240-30.040. Zoom-I-Net filed a corrected waiver request on April 15, 2005, adding a request for waiver of 4 CSR 240-3.545(2)(C). Because no rule 3.545(2)(C) exists, the Commission considers the request for waiver of that rule to be an error.

Zoom-I-Net's illustrative tariff describes the rates, rules, and regulations it intends to use, and identifies Zoom-I-Net as a competitive company. The illustrative tariff also lists the waivers originally requested. Zoom-I-Net intends to provide interexchange telecommunications services on a resold basis throughout the state of Missouri.

In its Memorandum filed on April 21, 2005, the Staff of the Commission recommended that the Commission grant Zoom-I-Net a certificate of service authority, competitive status, and waiver of the statutes and rules listed in the Notice of Applications.

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

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, its officers 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 Zoom-I-Net Communications, Inc. 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 Zoom-I-Net Communications, Inc. 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 prior to delivering services under its certificate of service authority, Zoom-I-Net Communications, Inc., shall file, in a separate case, tariff sheets with an effective date which is not fewer than 45 days from the issue date and which reflects the rates, rules, regulations and the services it will offer. The tariff shall also include a listing of the statutes and Commission rules waived above.

5. That this order shall become effective on May 14, 2005.

6. That this case may be closed on May 15, 2005.

BY THE COMMISSION

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(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 4th day of May, 2005.