

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of	)	
IRU Networks, LLC for a Certificate of Service	)	
Authority to Provide Interexchange	)	<b><u>File No. XA-2017-0301</u></b>
Telecommunications Services and to Classify	)	Tariff No. YX-2017-0243
Such Services and the Company as Competitive	)	

## ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY AND ORDER APPROVING TARIFF

Issue Date: June 20, 2017

Effective Date: July 2, 2017

This order grants IRU Networks, LLC (“IRU”) a certificate of service authority to provide interexchange telecommunications services, grants competitive status, waives certain Commission rules and statutory provisions, and approves IRU’s proposed tariff.

IRU applied to the Missouri Public Service Commission (“Commission”) on May 18, 2017, for a certificate of service authority to provide interexchange telecommunications services in Missouri. IRU 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, RSMo 2016. The Commission issued an *Order Directing Notice of Application for Certificate of Service Authority, Setting Intervention Deadline, and Directing Staff Recommendation* on May 19, 2017, directing parties wishing to intervene to file their requests by June 2, 2017. No requests for intervention were filed.

IRU filed a proposed tariff in conjunction with its application with an effective date of July 2, 2017. IRU’s tariff describes the rates, rules, and regulations it intends to use. IRU intends to provide interexchange telecommunications services within Missouri, including direct outbound dialing (1+ and 101XXXX), and 800/888 (inbound Toll-Free).

In its recommendation filed on June 13, 2017, the Staff of the Commission recommended that the Commission grant IRU a certificate of service authority, competitive status, and waiver of the statutes and rules listed in the recommendation. Staff recommended that the Commission approve the proposed tariff that will become effective on July 2, 2017.

The Commission finds that competition in the interexchange telecommunications market is in the public interest and IRU shall be granted a certificate of service authority. The Commission finds that the services IRU proposes to offer are competitive, and IRU 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 IRU's proposed tariff details the services, equipment, and pricing it proposes to offer. The Commission finds that the proposed tariff filed on May 18, 2017, shall be approved to become effective on July 2, 2017.

The Staff recommends that the Commission specifically condition certification on IRU ensuring that calls to certain areas are not unnecessarily blocked, which is also known as "call gapping". The Commission may impose conditions on telecommunications companies if those conditions are reasonable and necessary to protect the public interest. Sections 392.470.1 and 392.361.6, RSMo 2016. As a telecommunications company operating in Missouri, IRU will have a duty to "receive, transmit and deliver, without discrimination or delay, the conversations and messages of every other telecommunications company with whose facilities a connection may have been made." Section 392.200.6, RSMo 2016. Since IRU has agreed to the condition and the

Commission finds that the condition is a reasonable and necessary action to protect the public interest, the certificate will be conditioned on the provision described in the ordered paragraph below.

**THE COMMISSION ORDERS THAT:**

1. IRU Networks, LLC is granted a certificate of service authority to provide 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 IRU Networks, LLC's compliance with the regulatory obligations in this order. In addition, the certification is conditioned on IRU Networks, LLC undertaking all necessary measures to ensure its contracts with underlying carriers do not contain provisions preventing delivery of traffic to any telephone exchange area of Missouri. Such measures include, but are not limited to, prevention of call blocking and/or call gapping based on the cost of traffic termination; preventing the alteration or stripping of calling party number identification; and ensuring sufficient network capacity exists to process all traffic according to industry accepted practices.

3. Pursuant to Section 392.410, RSMo 2016, the authority conferred by the certificate of service authority shall be null and void unless it is exercised within one year of its issuance.

4. IRU Networks, LLC is classified as a competitive telecommunications company. Application of the following statutes and regulatory rules shall be waived:

392.210.2	Accounting requirements (system of accounts)
392.240.1	Reasonableness of rates
392.270	Accounting requirements (valuation of property)
392.280	Accounting requirements (depreciation rates/accounts)

392.290 Issuance of stocks, bonds and other indebtedness  
392.300.2 Transfer of property and ownership of stock  
392.310 Approval of issuing stocks, bonds and other indebtedness  
392.320 Certificate of Commission to be recorded-stock dividends  
392.330 Accounting requirements (proceeds of sales of stock, bonds,  
notes, etc.)  
392.340 Company reorganization  
4 CSR 240-10.020 Depreciation Records  
4 CSR 240-30.040 Uniform System of Accounts

5. The tariff filed by IRU Networks, LLC on May 18, 2017, under tariff number YX-2017-0243, is approved to become effective on July 2, 2017. The tariff approved is:

**P.S.C. Mo. Tariff No. 1**

Original Sheet 1 through Original Sheet 23

6. This order shall become effective on July 2, 2017.
7. This file may be closed on July 3, 2017.



**BY THE COMMISSION**

*Morris L. Woodruff*

Morris L. Woodruff  
Secretary

Michael Bushmann, Senior Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,  
on this 20<sup>th</sup> day of June, 2017.

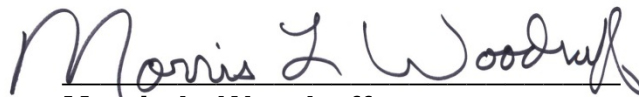
**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

**I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 20<sup>th</sup> day of June 2017.**



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**June 20, 2017**

**File/Case No. XA-2017-0301**

**Missouri Public Service  
Commission**

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***Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).***

***Sincerely,***



**Morris L. Woodruff  
Secretary**

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