

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Application of Amerivon,)
LLC for a Certificate of Service Authority to)
Provide Intrastate Interexchange and)
Nonswitched Local Telecommunications)
Services and to Classify Said Services and the)
Company as Competitive.)

Case No. XA-2006-0204
Tariff File No. YX-2006-0352

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and states:

1. The Staff recommends that the Missouri Public Service Commission (Commission) grant Amerivon, LLC (Applicant), a certificate of service authority to provide interexchange and local exchange telecommunications services, with the local exchange authority restricted to dedicated private line services. The Commission shall grant an application for a certificate of telecommunications service authority upon a finding that the grant of authority is in the public interest. §§392.430 and 392.440, RSMo 2000. A copy of the Staff recommendation dated December 7, 2005, is marked "Appendix A," attached hereto and made a part hereof.

2. Staff also recommends that the Commission classify the Applicant and its services as competitive. The Commission may classify a telecommunications provider or its services as competitive if the Commission determines it is subject to sufficient competition to justify a lesser degree of regulation. §392.361.4, RSMo 2000. All the services a competitive company provides must be classified as competitive. §392.361.3, RSMo 2000.

3. Staff further recommends that the Commission approve the waivers listed in the Notice of Application. The Commission may waive the application of its rules and certain

statutes if the Commission determines that waiver is consistent with the purposes of Chapter 392. §§ 392.185, 392.361.5 and 392.420, RSMo 2000.

4. Finally, Staff recommends that the Commission grant approval of the Applicant's proposed tariff, Missouri PSC Tariff No. 1, with a proposed effective date of December 23, 2005.

WHEREFORE, Staff recommends that the Commission grant Amerivon, LLC a certificate of service authority to provide interexchange and local exchange telecommunications services, with the local exchange authority restricted to dedicated private line services; grant it the requested competitive classification; grant the waivers listed in the Commission's Notice of Application; and approve its proposed tariff Missouri PSC Tariff No. 1, with a proposed effective date of December 23, 2005.

Respectfully submitted,

DANA K. JOYCE
General Counsel

/s/ Mary E. Weston

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 9th day of December 2005.

/s/ Mary E. Weston

MEMORANDUM

To: Missouri Public Service Commission Official Case File

Case No.: **XA-2006-0204**

File No.: **YX-2006-0352**

Applicant: **AmeriVon LLC (AmeriVon)**

From: Arthur P. Kuss
Telecommunications Department

William Voight 12/07/05
Utility Operations Division/Date

William K. Haas 12/9/05
General Counsel's Office/Date

Subject: Staff Recommendation for Approval of Certificate to Provide Service and Tariff

Date: December 07, 2005

Filing Deadline: December 14, 2005

The Telecommunications Department Staff (Staff) recommends the applicant be granted the certificate(s), as indicated below, to be effective on the same date the tariff becomes effective:

- ☐ Certificate to provide basic local exchange telecommunications services in the following service areas:
- ☐ All of Southwestern Bell Telephone, L.P., d/b/a SBC Missouri (SBC Mo)
 - ☐ All of Sprint Missouri Inc. d/b/a Sprint (Sprint)
 - ☐ All of CenturyTel of Missouri, LLC (CenturyTel Mo)
 - ☐ All of Spectra Communications Group, LLC d/b/a CenturyTel (Spectra)
 - ☐ Other (please describe):

Granting the certificate should be based on the following conditions:

1. The applicant's originating and terminating access rates will be no greater than the lowest Commission approved corresponding access rates in effect for each ILEC within whose service area the applicant seeks authority to provide service, unless authorized by the Commission pursuant to Sections 392.220 and 392.230 RSMo.
2. The certificate and service classification for switched access service is conditioned on the continued applicability of Section 392.200 RSMo, and the requirement that any increases in switched access services rates above the maximum switched access service rates set forth herein shall be made pursuant to Sections 392.220 and 392.230 RSMo, and not Sections 392.500 and 392.510 RSMo.
3. If the directly competing ILEC, in whose service area the applicant is operating, decreases its originating and/or terminating access service rates, the applicant shall file an appropriate tariff amendment to reduce its originating and/or terminating access rates in the directly competing ILEC's service area within 30 days of the directly competing ILEC's reduction of its originating and/or terminating access rates in order to maintain the cap.

- ☒ Certificate to provide Interexchange telecommunications services.
- ☒ Certificate to provide local exchange telecommunications services.*
*Local exchange authority should be restricted to dedicated, private line services.
- ☒ The Company is not delinquent in filing an annual report or paying the PSC assessment.
- ☐ The Company is delinquent. Staff recommends the Commission grant the requested relief/action on the condition the applicant corrects the delinquency. The applicant should be instructed to make the appropriate filing in this case after it has corrected the delinquency.
- ☐ No annual report. ☐ Unpaid PSC assessment. Amount owed: _____
- ☒ The Applicant has filed a proposed tariff per 4 CSR 240-3.545 for interexchange service with an effective date not fewer than 45 days from the issue date. The applicant cannot lawfully provide service until tariffs are effective.
- ☒ No objection to tariff for Missouri PSC Effective
Interexchange service taking effect: Tariff No. 1 Date: December 23, 2005

Staff recommends the applicant and its services receive competitive classification. In addition, Staff recommends approval of the waivers listed in the Notice.

- ☐ There is an attachment to this recommendation (see below).

Attachment:

1. (N/A).

Review Items for IXC, Non-switched Local and CLEC Certificate Applications:

(As required by 4 CSR 240-2.060):

- ☒ Proper Secretary of State authorization.
- ☒ Statement of character of business performed.
- ☒ Statement declaring no pending action or final unsatisfied judgments.
- ☒ Statement declaring no overdue annual reports or assessment fees.
- ☒ Application includes an affidavit.
- ☒ The applicant is requesting waivers of rules or statutes previously granted to a competitively classified company.

(As required by RSMo 392.430/.440):

- ☒ Application shows that grant of authority is in the public interest.

Additional Review Items for CLEC Certificate Applications: N/A

(As required by RSMo 392.455):

- ☐ Possesses sufficient technical, financial and managerial resources and abilities.
- ☐ Identifies geographic area (no smaller than an exchange).
- ☐ Statement that applicant will offer basic local service as a separate and distinct service.
- ☐ Statement that applicant will give equitable access to all Missourians.

Tariff Review Items (applicable for all competitively classified companies):

- ☒ Properly formatted:
(Company name, PSC MO No., Page #, Page revision #, proposed effective date).
- ☒ Identifies competitive classification.
- ☒ Identifies waivers granted.
- ☐ ICB pricing, if proposed, limited for private line, special access or Centrex-like services [RSMo 392.200(8)].
- ☒ Proposed rates do not establish geographic deaveraged rates (if not checked, explain in attachment) [RSMo 392.200(4)].
- ☐ If an alternative operator service provider (receives more than 40% of revenues from traffic aggregators) operator service rates do not exceed: Person-to-Person (\$12.50), Station-to-Station/Calling Card (\$7.50) [RSMo 392.515(1)].

Tariff Review Items (applicable only for CLECs): N/A

- ☐ Interconnection agreement approved (if not checked, explain in attachment).
- ☐ Tariff clearly indicates areas offering local service [RSMo 392.455(3)]. Tariff identifies by exchange the areas where it offers basic local telecommunications service.
- ☐ Tariff offers local service as a separate and distinct service [RSMo 392.455(4)].
- ☐ Switched access rates capped at ILEC's rates.