

# BEFORE THE PUBLIC SERVICE COMMISSION

## OF THE STATE OF MISSOURI

In the Matter of the Application of Kentucky Data Link, )  
Inc., for a Certificate of Service Authority to Provide )  
Interexchange Telecommunications Services in the ) **Case No. XA-2006-0461**  
State of Missouri and to Classify Said Services and )  
the Company as Competitive )

### **ORDER APPROVING INTEREXCHANGE AND** **NONSWITCHED LOCAL EXCHANGE CERTIFICATE OF SERVICE** **AUTHORITY**

Issue Date: August 22, 2006

Effective Date: September 1, 2006

**Syllabus:** This order grants Kentucky Data Link, Inc. (KDL) a certificate of service authority to provide interexchange telecommunications services.

Kentucky Data Link, Inc. (KDL) applied to the Missouri Public Service Commission on June 5, 2006, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Sections 392.410, RSMo Supp. 2005, through 392.450, RSMo 2000.<sup>1</sup> KDL 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. KDL is a Kentucky corporation with its principal office located at 3701 Communications Way, Evansville, Indiana.

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<sup>1</sup> 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 July 5, 2006, directing parties wishing to intervene to file their requests by July 20, 2006. No requests for intervention were filed.

In its Memorandum filed on August 21, 2006, the Staff of the Commission recommended that the Commission grant KDL a certificate of interexchange service authority. Staff recommended that the Commission grant KDL competitive status and waive the statutes and rules listed in the Notice.

The Commission finds that competition in the intrastate interexchange telecommunications markets is in the public interest and KDL shall be granted a certificate of service authority. The Commission finds that the services KDL proposes to offer are competitive and KDL 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 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. Commission Rule 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 for each offense, 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, as 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. Kentucky Data Link, 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. The certification granted herein is conditioned upon the company's compliance with the regulatory obligations in this order.

3. Kentucky Data Link, 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. Kentucky Data Link, Inc., is advised that the grant of authority contained in this order may not, by itself, be sufficient to permit it to lawfully provide interexchange telecommunications services in the state of Missouri. Specifically, Kentucky Data Link, Inc., cannot lawfully provide interexchange telecommunications services until it has a tariff in effect for such services. When Kentucky Data Link, Inc., submits such a tariff, it shall do so by filing a non-case tariff submission. The tariff submission shall not be filed in this case.
5. This order shall become effective on September 1, 2006.
6. This case may be closed on September 2, 2006.

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

( S E A L )

Harold Stearley, Regulatory Law Judge,  
by delegation of authority pursuant  
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 22nd day of August, 2006.