

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of Mobilitie, LLC for a)
Certificate of Service Authority to Provide)
Non-Switched Local Telecommunications Services) **Case No. XA-2007-0299**
in the State of Missouri and to Classify Said Services) **Tariff No. YX-2007-0554**
and Company as Competitive)

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

Issue Date: March 12, 2007

Effective Date: March 26, 2007

Syllabus: This order grants Mobilitie, LLC (“Mobilitie”) certificates of service authority to provide interexchange and nonswitched local exchange telecommunications services, restricted to providing dedicated private line services, and approves the company’s proposed tariff.

On February 7, 2007, Mobilitie, LLC (“Mobilitie”) applied to the Missouri Public Service Commission for certificates of service authority to provide intrastate interexchange and nonswitched local exchange telecommunications services in Missouri under section 392.410, RSMo Cum. Supp. 2005 and sections 392.410 through 392.450, RSMo 2000,¹ as well as the pertinent administrative regulations. Mobilitie asked the Commission to classify it and its services as competitive and to waive certain statutes and Commission rules as authorized by sections 392.361 and 392.420. Mobilitie, whose

¹ Unless otherwise indicated, all statutory references are to RSMo 2000.

principal office is located at 759 South Main Street, Suite 128, Milpitas, California 95035, is a Nevada limited liability company registered and duly authorized to do business in Missouri as a foreign limited liability company.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on February 13, 2007, directing parties wishing to intervene to file their requests by February 28, 2007. No requests for intervention were filed.

The proposed tariff filed in conjunction with Mobilitie's application had an effective date of March 26, 2007. Mobilitie's tariff describes the rates, rules, and regulations it intends to use, identifies Mobilitie as a competitive company, and lists the waivers requested. Mobilitie intends to provide interexchange and nonswitched local exchange telecommunications services limited to providing dedicated private line services, including the provision of local transport services to wireless carriers via distributed antenna system facilities employing a combination of fiber optic and RF transport technologies.

In its Memorandum filed on March 8, 2007, the Staff of the Commission recommended that the Commission grant Mobilitie a certificate of intrastate, interexchange service authority and a certificate of service authority for local exchange telecommunications service on condition that this authority be restricted to providing dedicated private line services. Staff recommended that the Commission classify Mobilitie and its services as competitive, and that the Commission waive the statutes and rules listed in the Notice. Staff further recommended that the Commission approve the proposed tariff to become effective on March 26, 2007.

The Commission finds that competition in the intrastate interexchange and nonswitched local exchange telecommunications markets is in the public interest and that Mobilitie shall be granted certificates of service authority. The Commission finds that the services Mobilitie proposes to offer are competitive and that Mobilitie 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 Mobilitie's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri-certificated interexchange and local exchange carriers. The Commission finds that the proposed tariff filed on February 7, 2007 shall be approved to become effective on March 26, 2007.

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. 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.

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.

D) The obligation to keep the Commission informed of its current address and telephone number.

Furthermore, the company is reminded that, as 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 Cum. 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. Mobilitie, LLC 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. Mobilitie, LLC is granted a certificate of service authority to provide nonswitched local exchange telecommunications services in the state of Missouri, limited to providing dedicated private line services, subject to all applicable statutes and Commission rules except as specified in this order.

3. The certifications granted herein are conditioned upon Mobilitie, LLC's compliance with the regulatory obligations in this order.

4. Mobilitie, LLC is classified as a competitive telecommunications company. Application of the following statutes and administrative regulations 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

5. The tariff filed by Mobilitie, LLC on February 7, 2007, as tariff number YX-2007-0554, is approved to become effective on March 26, 2007. The tariff approved is:

P.S.C. Mo. No. 1

Original Title Sheet

Original Sheet Nos. 1-3

Section 1, Original Sheet No. 1

Section 2, Original Sheet Nos. 1-11

Section 3, Original Sheet Nos. 1-2

6. This order shall become effective on March 26, 2007.

7. This case may be closed on March 27, 2007.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Benjamin H. Lane, Regulatory
Law Judge, by delegation of authority
under section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 12th day of March, 2007.