

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of Broadvox-CLEC, LLC)
for a Certificate of Service Authority to Provide) File No. XA-2009-0359
Interexchange Telecommunications Services and to) Tracking No. YX-2009-0716
Classify Such Services and the Company as Competitive)

Order Approving Application

Issue Date: April 27, 2009

Effective Date: May 18, 2009

The Missouri Public Service Commission is granting the application of Broadvox-CLEC, LLC, for a certificate of service authority to provide interexchange telecommunications services and approving the accompanying tariff.

Broadvox-CLEC, LLC (Broadvox) applied to the Missouri Public Service Commission on April 2, 2009,¹ for a certificate of service authority to provide interexchange telecommunications services in Missouri under Section 392.440.² Broadvox asks the Commission to classify it as a competitive company and waive certain statutes and regulations as authorized by Sections 392.361 and 392.420. Broadvox is a Delaware corporation with its principal office located at 1228 Euclid Avenue, Suite 390, Cleveland, Ohio 44115.

The Commission issued a Notice of Applications for Certificates of Intrastate Service Authority and Opportunity to Intervene on April 3, 2009, directing parties wishing to intervene to file their requests by April 18, 2009. No requests for intervention were filed.

¹ This file originally bore number CO-2009-0353, which the Commission changed to its current file number in its April 3, 2009, order.

² All sections are in the 2000 Revised Statutes of Missouri unless otherwise indicated.

Broadvox filed a proposed tariff in conjunction with its application with an effective date of May 18, 2009. Broadvox's tariff describes the rates, rules, and regulations it intends to use, identifies Broadvox as a competitive company, and lists the waivers requested. Broadvox intends to provide interexchange telecommunications services including competitive intrastate interexchange telecommunication service services.

In its Memorandum filed on April 27, 2009, the Staff of the Commission recommended that the Commission grant Broadvox a certificate of service authority, competitive status, and waiver of the statutes and rules listed in the Notice. Staff recommended that the Commission approve the proposed tariff to become effective on May 18, 2009.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Broadvox shall be granted a certificate of service authority. The Commission finds that the services Broadvox proposes to offer are competitive and Broadvox 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 Broadvox's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated interexchange carriers. The Commission finds that the proposed tariff filed on April 2, 2009, shall be approved to become effective on May 18, 2009.

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. 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, if 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 Supp. 2008, 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.

THE COMMISSION ORDERS THAT:

1. Broadvox-CLEC, 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. The certification granted herein is conditioned upon the company's compliance with the regulatory obligations in this order.

3. Broadvox-CLEC, LLC 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. The tariff filed by Broadvox-CLEC, LLC on April 2, 2009, under tariff number YX-2009-0716, is approved to become effective on May 18, 2009. The tariff approved is:

PSC Mo. Tariff No. 1

Original Sheet 1
Original Sheet 2
Original Sheet 3
Original Sheet 4
Original Sheet 5
Original Sheet 6
Original Sheet 7
Original Sheet 8
Original Sheet 9
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Original Sheet 11
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Original Sheet 32

5. This order shall become effective on May 18, 2009.

6. This file shall close on May 19, 2009.

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)

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

Dated at Jefferson City, Missouri,
on this 27th day of April 2009.