

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

In the Matter of the Application of Silv Communication Inc.	)	
for a Certificate of Service Authority to Provide Interexchange	)	<b><u>File No. XA-2009-0301</u></b>
Telecommunications Services Throughout the State of	)	Tariff No. YX-2009-0592
Missouri, and for Competitive Classification.	)	

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

Issue Date: March 30, 2009

Effective Date: April 4, 2009

This order grants Silv Communication Inc. a certificate of service authority to provide interexchange telecommunications services and approves the company's proposed tariff.

Silv Communication applied to the Missouri Public Service Commission on February 18, 2009, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Sections 392.410, RSMo Supp. 2008, through 392.450, RSMo 2000.<sup>1</sup> Silv Communication 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. Silv Communication is a California corporation with its principal office located at 3460 Wilshire Boulevard, Suite 1103, Los Angeles, California 90010.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on February 28, 2009, directing parties

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<sup>1</sup> All statutory references are to the Revised Statutes of Missouri (RSMo), revision of 2001, unless otherwise indicated.

wishing to intervene to file their requests by March 13, 2009. No requests for intervention were filed.

Silv Communication filed a proposed tariff in conjunction with its application and filed substitute sheets on March 20 and 24, 2009. The tariff's effective date is April 4, 2009. Silv Communication's tariff describes the rates, rules, and regulations it intends to use, identifies Silv Communication as a competitive company, and lists the waivers requested. Silv Communication intends to provide interexchange telecommunications services to commercial and residential retail subscribers.

In its memorandum filed on March 26, 2009, the Staff of the Commission recommended that the Commission grant Silv Communication a certificate of interexchange service authority. Staff recommended that the Commission grant Silv Communication competitive status, and waiver of the statutes and rules listed in the company's application. Staff recommended that the Commission approve the proposed tariff as amended to become effective on April 4, 2009.

The Commission finds that competition in the intrastate interexchange telecommunications markets is in the public interest and Silv Communication shall be granted a certificate of service authority. The Commission finds that the services Silv Communication proposes to offer are competitive and Silv Communication 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 Silv Communication'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 February 18, 2009, shall be approved as amended to become effective on April 4, 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, 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. 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, 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, 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. Silv Communication Inc. is granted a certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri, subject to the conditions of certification set out above.
2. The certification granted herein is conditioned upon the company's compliance with the regulatory obligations in this order.
3. Silv Communication 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. The tariff filed by Silv Communication Inc. on February 18, 2009, under tariff number YX-2009-0592, is approved as amended to become effective on April 4, 2009. The tariff approved is:

### **Missouri P.S.C. Tariff No. 1**

#### **Original Title Sheet**

#### **Original Sheet No. 1 through Original Sheet No. 31**

5. This order shall become effective on April 4, 2009.
6. This file may be closed on April 5, 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 )

Nancy Dippell, Deputy Chief Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 30th day of March, 2009.