

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

In the Matter of DeltaCom, Inc.)
Changing Name to DeltaCom, Inc.) <u>File No. XN-2012-0103</u>
d/b/a EarthLink Business) <u>Tracking No. JX-2012-0140</u>

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission ("Staff"), through the undersigned counsel, and hereby respectfully submits this Staff Recommendation.

1. On September 30, 2011, the above-reference company filed a notice of a name change by filing a tariff adoption bearing an effective date of October 30, 2011. The company filed a copy of the customer notice, as well as documentation showing that its new name is registered with the Secretary of State.

2. Rule 4 CSR 240-2.062 establishes filing requirements for certificated company name changes; with the exceptions noted above, the Company has complied with the rule. No entities intervened to oppose the name change. The Company is not delinquent in any required filings with the Commission. The filed tariff adoption sheets are compliant with Commission rules.

WHEREFORE, the Staff recommends that Commission recognize the name change and either approve the tariff adoption notice or allow it to take effect by operation of law.

Respectfully submitted,



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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 25th day of October, 2011.

A handwritten signature in black ink, appearing to be "All Day".

Memorandum

To: Missouri Public Service Commission Official Case File
Case No. XN-2012-0103
Tariff No. JX-2012-0140
Date: 10/20/11

From: Lisa Mahaney
Telecommunications Department

William Voight 10/20/11
Utility Operations Division/Date

Subject: Staff Recommendation for Approval of Name Change

Existing Name of Company: DeltaCom, Inc. d/b/a DeltaCom Business Solutions, Inc.
Proposed Name of Company: DeltaCom, Inc. d/b/a EarthLink Business

The Telecommunications Department Staff (Staff) recommends the Commission approve the change of name and tariff sheet(s) for No. 2 effective 10/30/11.

Review Items

Administrative:

- ☒ No applications to intervene filed.
- ☒ Evidence of registration of the name change with the Missouri Secretary of State has been submitted.

- ☒ Customers have been notified. (4 CSR 240-3.545(20))
- ☐ Customers will be notified at or before the next billing cycle of any name change. (4 CSR 240-3.545(20))

Tariff:

- ☒ Adoption Notice
- ☒ Revised Title Page (see tariff review section below)
- ☐ New Tariff (see tariff review section below)

Tariff review items (as applicable):

- ☒ Properly formatted: (Company name, PSC MO No., Page #, Page revision #, proposed effective date)
- ☐ Identifies competitive classification.
- ☐ Identifies waivers granted.
- ☐ Customer specific pricing, if proposed, limited for private line, special access or Centrex-like services or to business customers in exchanges where the incumbent local exchange company has had its business services declared competitive pursuant to Section 392.245. (392.200(8)).
- ☐ Proposed rates do not establish geographic deaveraged rates (if not checked, explain in attachment). (392.200(4)).

Appendix A

- ☐ If an alternative operator service provider (receives more than 40% of revenues from traffic aggregators) operator service rates do not exceed: Person-to-Person (\$10.00), Station-to-Station/card (\$5.50). (392.515(1))

Tariff review items (as applicable, only for CLECs):

- ☐ Tariff clearly indicates areas offering local service area
(____AT&T Missouri, ____CenturyTel, ____ Sprint, ____ Spectra, ____ Other)
- ☐ Tariff offers local service as a separate and distinct service.
- ☐ Switched access service rates capped at ILEC's rates.

Are there additional recommendations or special considerations?

☒ No

☐ Yes

☒ The Company is not delinquent in filing an annual report, paying the PSC assessment , MoUSF, and Relay Missouri..

☐ 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 ☐ Unpaid MoUSF

☐ Unpaid Relay Missouri. Amount owed:)

Under penalty of perjury, I affirm that the above statement is true and correct.



LISA MAHANEY