

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

In the Matter of the Application of)	
Twin City Capital, LLC d/b/a American Select)	
for a Certificate of Service Authority to Provide)	<u>File No. XA-2011-0110</u>
Intrastate Interexchange and Non-Switched)	
Local Exchange Telecommunications Services)	Tracking No. YX-2011-0215
within the State of Missouri and)	
for Competitive Classification)	

ORDER GRANTING APPLICATION AND APPROVING TARIFF

Issue Date: November 23, 2010

Effective Date: December 6, 2010

The Missouri Public Service Commission is granting the application of Twin City Capital, LLC d/b/a American Select (applicant) for certificates of service authority to provide interexchange and non-switched local exchange telecommunications services restricted to dedicated and private line services, competitive classification, and waiver of certain provisions of law. The Commission is also approving the accompanying tariff. Further, the Commission is waiving the pre-filing notice requirement.

Applicant is a Minnesota corporation with its principal office located at 7300 Hudson Blvd. N. #265, Oakland, MN 55128. Applicant filed the application on October 22, 2010, with a tariff bearing an effective date of December 6, 2010. The Commission issued an *Order Directing Notice of Application and Opportunity to Intervene and Filing of Recommendation* on October 25, 2010, setting a deadline for applications to intervene at November 9, 2010. The Commission received no application for intervention. Staff filed the *Staff Recommendation* on November 19, 2010. The recommendation favors the application and the tariff.

Applicant asks the Commission to waive of the requirement of 4 CSR 240 4.020(2):

(2) Any regulated entity that intends to file a case likely to be a contested case shall file a notice with the secretary of the

commission a minimum of sixty (60) days prior to filing such case. Such notice shall detail the type of case and issues likely to be before the commission.

(A) Any case filed which is not in compliance with this section shall not be permitted and the secretary of the commission shall reject any such filing.

(B) A party may request a waiver of this section for good cause.

The Commission finds and concludes that good cause, including the ordinarily non-contested nature of actions like this, supports the request and will grant the waiver.

Applicant asks that the Commission certify applicant to provide interexchange and non-switched local exchange telecommunications services restricted to dedicated and private line services. The Commission finds and concludes that the public interest supports issuing the certificates.¹ Therefore, the Commission will issue certificates of authority for interexchange service and non-switched local exchange service restricted to dedicated and private line services.

Applicant asks the Commission to classify applicant and its services as competitive. The Commission finds that competition in the interexchange telecommunications markets is in the public interest, and that the services that applicant proposes to offer are competitive.² Therefore, the Commission will classify applicant and its services as competitive.

Applicant asks the Commission to waive the statutes and regulations listed in the application. The Commission finds and concludes that waiving the statutes and regulations

¹ Sections 392.430 and 392.440, RSMo 2000.

² Sections 392.420 and 392.631.3 and .4, RSMo Supp. 2009.

set out in the ordered paragraph below is not detrimental to the public interest.³ Therefore, the Commission will waive those provisions of law.

Applicant asks the Commission to approve its tariff to become effective on December 6, 2010. Applicant's tariff details the services, equipment, and pricing it proposes to offer, identifies applicant as a competitive company, lists the waivers requested and is similar to tariffs approved for other Missouri. The Commission finds and concludes that applicant's proposed tariff describes safe and adequate services and just and reasonable rates,⁴ so the Commission will approve the tariff to become effective on December 6, 2010.

The Commission reminds the applicant 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 obligation to:

- A) File an annual report, as established by Section 392.210, RSMo 2000. Failure to comply with this obligation will make the applicant 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) Pay an annual assessment fee established by the Commission, as required by Section 386.370, RSMo 2000.
- C) 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.

³ Sections 392.245.5(8) and 392.361, RSMo Supp. 2009.

⁴ Section 392.230.6, RSMo Supp. 2009.

D) Keep the Commission informed of its current address and telephone number. Also, the applicant is reminded that, if it is any entity other than an individual, non-attorneys may not represent the applicant before the Commission, and the applicant must be represented by an attorney licensed to practice law in Missouri.

In addition, the applicant is reminded that Section 392.410.5, RSMo Supp. 2009, 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. The pre-filing notice is waived.
2. Twin City Capital, LLC d/b/a American Select ("applicant") is granted a certificate of service authority to provide interexchange telecommunications services in the state of Missouri, subject to all applicable statutes and Commission regulations except as specified in this order.
3. Applicant is granted a certificate of service authority to provide non-switched local exchange telecommunications services restricted to dedicated and private line services in the state of Missouri, subject to all applicable statutes and Commission regulations except as specified in this order.
4. Applicant is classified as a competitive telecommunications company and applicant's services are classified as competitive.
5. The following statutes and Commission regulations shall be waived:

Statutes (Sections, RSMo)

Section 392.210.2, RSMo	uniform system of accounts
Section 392.240.1, RSMo	rates-rentals-service & physical connections
Section 392.270, RSMo	valuation of property (ratemaking)
Section 392.280, RSMo	depreciation accounts
Section 392.290, RSMo	issuance of securities
Section 392.300, RSMo	transfer of property and stock

Section 392.310, RSMo	stock and debt issuance
Section 392.320, RSMo	stock dividend payment
Section 392.330, RSMo	issuance of securities, debts and notes
Section 392.340, RSMo	reorganization(s)

Regulations

4 CSR 240-3.550(5)(C)	Exchange boundary map
4 CSR 240-10.020	Depreciation fund income
4 CSR 240-30.040	Uniform system of accounts
4 CSR 240-3.550(4) and (5)(A)	Records and Reports
4 CSR 240-32.060	Engineering, Maintenance
4 CSR 240-32.070	Quality of Service
4 CSR 240-32.080	Service Levels
4 CSR 240-33.040(1)-(3) and (5)-(10)	Billing and Payment
4 CSR 240-33.045	Charge on Bills
4 CSR 240-33.080(1)	Billing
4 CSR 240-33.130(1), (4) and (5)	Operator Service

6. The tariff to which the Commission assigned tracking YX-2011-0215 is approved to become effective on December 6, 2010, and the specific tariff approved is:

P.S.C. Mo. No. 1

7. This order shall become effective on December 6, 2010.

(S E A L)

BY THE COMMISSION



Steven C. Reed
Secretary

Daniel Jordan, Regulatory Law Judge,
by delegation of authority under
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 23rd day of November, 2010.