

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

In the Matter of the Application of Amerivon	)	
LLC For Certificate of Service Authority to Provide	)	
Switched Interexchange and Non-Switched Local	)	<b><u>Case No. XA-2006-0204</u></b>
Exchange Service in the State of Missouri and	)	Tariff No. YX-2006-0352
to Classify Said Services and the Company	)	
as Competitive .	)	

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

Issue Date: December 13, 2005

Effective Date: December 23, 2005

**Syllabus:** This order grants Amerivon LLC a certificate of service authority to provide interexchange and nonswitched local exchange telecommunications service, restricted to providing dedicated private line service, and approves the company's proposed tariff.

Amerivon LLC applied to the Missouri Public Service Commission on November 8, 2005, for a certificate of service authority to provide intrastate interexchange and nonswitched local exchange telecommunications services in Missouri under Sections 392.410, RSMo Supp. 2004, through 392.450, RSMo 2000.<sup>1</sup> Amerivon 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. Amerivon is a Nevada corporation with its

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<sup>1</sup> All statutory references are to the Revised Statutes of Missouri (RSMo), revision of 2000, unless otherwise indicated.

principal office located at 800 Southwood Boulevard, Suite 212, Incline Village, Nevada 89451.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on November 15, 2005, directing parties wishing to intervene to file their requests by November 30, 2005. No requests for intervention were filed.

Amerivon filed a proposed tariff in conjunction with its application with an effective date of December 23, 2005. Amerivon's tariff describes the rates, rules, and regulations it intends to use, identifies Amerivon as a competitive company, and lists the waivers requested. Amerivon intends to provide interexchange and nonswitched local exchange telecommunications services, including services restricted to dedicated private line services.

In its Memorandum filed on December 9, 2005, the Staff of the Commission recommended that the Commission grant Amerivon a certificate of 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 grant Amerivon 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 December 23, 2005.

The Commission finds that competition in the intrastate interexchange and nonswitched local exchange telecommunications markets is in the public interest and Amerivon shall be granted certificates of service authority. The Commission finds that the services Amerivon proposes to offer are competitive and Amerivon 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 Amerivon'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 November 8, 2005, shall be approved to become effective on December 23, 2005.

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. 2004, 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 THEREFORE ORDERED:**

1. That Amerivon 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. That Amerivon 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. That the certification granted herein is conditioned upon the company's compliance with the regulatory obligations in this order.

4. That Amerivon 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

5. That the tariff filed by Amerivon LLC on November 8, 2005, as tariff number YX-2006-0352, is approved to become effective on December 23, 2005. The tariff approved is:

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- 6. That this order shall become effective on December 23, 2005.
- 7. That this case may be closed on December 24, 2005.

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

( S E A L )

Ronald D. Pridgin, Regulatory Law Judge,  
by delegation of authority pursuant  
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 13<sup>th</sup> day of December, 2005.