

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

In the Matter of the Application of Impact )  
Telecom, Inc., for a Certificate of Service )  
Authority to Provide Resold Interexchange )  
Telecommunications and Resold Private Line )  
Data Services Throughout the State of )  
Missouri and to Classify Said Services and )  
the Company as Competitive )

**File No. XA-2012-0295**

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

Issue Date: April 25, 2012

Effective Date: April 25, 2012

This order grants Impact Telecom, Inc. (Impact) a certificate of service authority to provide interexchange telecommunications services and approves the company's proposed tariff.

Impact Telecom, Inc. (Impact) applied to the Public Service Commission on March 13, 2012, for a certificate of service authority to provide resold interexchange telecommunications services and resold private line data services in Missouri under Section 392.440, RSMo 2000. Impact asked the Commission to classify it as a competitive company and waive certain statutes and rules as authorized by Sections 392.361 and 392.420, RSMo. Impact is a Nevada corporation with its principal office located at 9250 E. Costilla Avenue, Suite 400, Greenwood Village Colorado, 80112.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on March 15, 2012, directing parties wishing to intervene to file their requests by March 30, 2012. No requests for intervention were filed.

Impact filed a proposed tariff in conjunction with its application and filed a substitute sheet on April 23, 2012. The tariff's effective date is April 25, 2012. Impact's tariff

describes the rates, rules, and regulations it intends to use, identifies Impact as a competitive company, and lists the waivers requested. Impact intends to provide interexchange telecommunications services including resold interexchange and resold private line data services.

In its Memorandum filed on April 24, 2012, the Staff of the Commission recommended that the Commission grant Impact 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 as amended to become effective on April 25, 2012.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Impact shall be granted a certificate of service authority. The Commission finds that the services Impact proposes to offer are competitive, and Impact 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 Impact's proposed tariff details the services, equipment, and pricing it proposes to offer. The Commission finds that the proposed tariff filed on March 13, 2012, shall be approved as amended to become effective on April 25, 2012.

**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. 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.

Finally, Impact will undertake all necessary measures to ensure its contracts with underlying carriers do not contain provisions preventing delivery of traffic to any telephone exchange area of Missouri. Such measures include but are not limited to:

1. Prevention of call blocking or call gapping based on the cost of traffic termination.
2. Preventing the alteration or stripping of Calling Party Number Identification.
3. Ensuring sufficient network capacity exists to process all tariff according to industry accepted practices.

## **THE COMMISSION ORDERS THAT:**

1. Impact Telecom, Inc. is granted a certificate of service authority to provide interexchange telecommunications and private line data 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. Impact Telecom, 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 - 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 240-3.520 - transfer of assets
- 4 CSR 240-3.525 - merger/consolidation
- 4 CSR 240-3.530 - stock issuance and loan debt
- 4 CSR 240-3.535 - stock acquisition
- 4 CSR 240-3.545(8)(C) - listing of waivers in tariff
- 4 CSR 240-3.550 - records/reports (except (5)(B), (D) and (E))
- 4 CSR 240-3.555 - residential customer inquiries
- 4 CSR 240-10.020 - depreciation fund income
- 4 CSR 240-30.040 - uniform system of accounts
- 4 CSR 240-32.010 - general provisions
- 4 CSR 240-32.040 - metering, inspections and tests
- 4 CSR 240-32.050 - customer service
- 4 CSR 240-32.060 - engineering and maintenance
- 4 CSR 240-32.070 - quality of service
- 4 CSR 240-32.080 - service objectives and surveillance levels
- 4 CSR 240-32.090 - connection of equipment and inside wiring
- 4 CSR 240-32.100 - provision of basic local and IXC services
- 4 CSR 240-32.130-170 -prepaid calling cards (except 32.140 and 32.150(1))
- 4 CSR 240-32.180-190- caller ID blocking requirements

- 4 CSR 240-33.010 - service and billing practice general provisions
- 4 CSR 240-33.040 - billing and payment standards
- 4 CSR 240-33.045 - identification/placement of charges on bills
- 4 CSR 240-33.050 - deposits
- 4 CSR 240-33.060 - residential customer inquiries
- 4 CSR 240-33.070 - quality of service
- 4 CSR 240-33.080 - disputes by residential customers
- 4 CSR 240-33.090 - settlement agreements with residential customers
- 4 CSR 240-33.130 - operator service requirements
- 4 CSR 240-33.140 - payphone requirements (except(2))
- 4 CSR 240-33.150 - "anti-slamming" requirements
- 4 CSR 240-33.160 - customer proprietary network information

4. The tariff filed by Impact Telecom, Inc. on March 13, 2012, under tariff number YX-2012-0510, is approved as amended to become effective on April 25, 2012.

The tariff approved is:

**Missouri Tariff No. 1**  
**Original Page 1 through Original Page 41**

- 5. This order shall become effective on April 25, 2012.
- 6. This file may be closed on April 26, 2012.

**BY THE COMMISSION**



Steven C. Reed  
Secretary

( S E A L )

Kennard L. Jones, Senior Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 25th day of April, 2012.