

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

In the Matter of the Joint Application of GTC)	
Broadband, Inc. for a Certificate of Service Authority)	
to Provide Non-Switched Local Exchange and)	<u>File No. XO-2013-0137</u>
Intrastate Interexchange Telecommunications)	Tariff No. YX-2013-0171
Services and Stouffer Communications, Inc. for a)	
Cancellation of Its Certificate of Service Authority)	

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

Issue Date: November 8, 2012

Effective Date: November 18, 2012

This order grants GTC Broadband, Inc (GTC) a certificate of service authority to provide interexchange and nonswitched local exchange telecommunications services, restricted to providing dedicated private line services, and approves the company's proposed tariff. Through this order, the Commission will also cancel the certificate of service authority granted to Stouffer Communications, Inc.

GTC Broadband, Inc. (GTC) and Stouffer Communications, Inc. applied to the Missouri Public Service Commission on October 4, 2012, for certificates of service authority to provide intrastate interexchange and nonswitched local exchange telecommunications services in Missouri under Sections 392.361, 392.410, 392.420, 392.430 and 392.440, RSMo. GTC asked the Commission to classify it as a competitive company and to waive certain statutes and rules as authorized by Sections 392.361.5 and 392.420, RSMo. the companies also requests that Stouffer's certificate be cancelled. GTC and Stouffer are both Missouri corporations with their principal offices located at 126 S. Beaver Avenue, Granby, MO 64844.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on October 9, 2012, directing parties wishing to intervene to file their requests by October 23. No requests for intervention were filed.

GTC filed a proposed tariff in conjunction with its application and filed substitute sheets on October 17, 2012. The tariff's effective date is November 18, 2012. GTC's tariff describes the rates, rules, and regulations it intends to use, identifies GTC as a competitive company, and lists the waivers requested. GTC intends to provide interexchange and nonswitched local exchange telecommunications services including interexchange and non-switched local telecommunications services.

In its memorandum filed on November 6, 2012, the Staff of the Commission recommended that the Commission grant GTC a certificate of interexchange service authority, and a certificate of service authority for local exchange telecommunications services on condition that this authority be restricted to providing dedicated private line services. Staff recommended that the Commission grant GTC competitive status, and waiver of the statutes and rules listed in its Recommendation. Staff recommended that the Commission approve the proposed tariff as amended to become effective on November 18, 2012 or allow them to go into effect by operation of law.

Staff also recommends that this grant of authority be conditioned on continued compliance with the following representation:

GTC 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:

- Prevention of call blocking or call gapping based on the cost of traffic termination.

- Preventing the alteration of stripping of Calling Party Number identification
- Ensuring sufficient network capacity exists to process all traffic according to industry accepted practices

In its Memorandum, Staff informs the Commission that GTC and Stouffer are undergoing a corporate restructuring to transfer the interexchange IXC business between the two entities from Stouffer to GTC. Staff also ensures the Commission that in cancelling Stouffer's certificate there will be no customer confusion and that customer notice is not necessary.

The Commission finds that competition in the intrastate interexchange and nonswitched local exchange telecommunications markets is in the public interest and GTC shall be granted certificates of service authority. The Commission finds that the services GTC proposes to offer are competitive and GTC 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 GTC'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 nonswitched local exchange carriers. The Commission finds that the proposed tariff filed on October 4, 2012, shall be approved as amended to become effective on November 18, 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. 2010, 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. GTC Broadband, 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. GTC Broadband, Inc 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. The certification granted herein is conditioned upon the company's compliance with the regulatory obligations in this order.

4. GTC Broadband, Inc is classified as a competitive telecommunications company.

5. The statutes and Commission rules listed in the Staff of the Commission's Recommendation are waived.

6. The tariff filed by GTC Broadband, Inc on October 4, 2012, under tariff number YX-2013-0171, is approved as amended to become effective on November 18, 2012.

7. The Certificate of Service Authority granted to Stouffer Communications, Inc. is cancelled.

8. This order shall become effective on November 18, 2012.

9. This file may be closed on November 19, 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 8th day of November, 2012.