

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of ABA Net, LLC,)	
for a Certificate of Service Authority to Provide)	<u>Case No. TA-2007-0285</u>
Interexchange Telecommunications Services)	Tariff No. YX-2007-0530
in the State of Missouri and for Competitive)	
Classification.)	

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE
AUTHORITY AND ORDER APPROVING TARIFF

Issue Date: February 22, 2007

Effective Date: March 1, 2007

Sample: This order grants ABA Net, LLC (ABA Net) a certificate of service authority to provide interexchange telecommunications services and approves the company's proposed tariff.

ABA Net applied to the Public Service Commission on January 29, 2007, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 2000.¹ ABA Net 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. ABA Net is a Delaware corporation with its principal office located at 11510 Georgia Avenue, Suite 101, Silver Spring, Maryland 20902.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on January 30, 2007, directing parties

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

wishing to intervene to file their requests by February 14, 2007. No requests for intervention were filed.

ABA Net filed a proposed tariff in conjunction with its application and filed a substitute sheet on February 6, 2007. On February 16, 2007, ABA Net filed a second substitute sheet. The tariff's effective date is March 15, 2007. ABA Net's tariff describes the rates, rules, and regulations it intends to use, identifies ABA Net as a competitive company, and lists the waivers requested. ABA Net intends to provide interexchange telecommunications services including interexchange telecommunications services services.

In its Memorandum filed on February 16, 2007, the Staff of the Commission recommended that the Commission grant ABA Net 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 March 1, 2007, rather than the currently proposed effective date, if convenient for the Commission to do so. On February 21st Staff filed a supplemental recommendation stating that it had reviewed the substitute tariff sheet ABA Net filed on February 16th and recommending the Commission also approve ABA Net's proposed tariff as substituted.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and ABA Net shall be granted a certificate of service authority. The Commission finds that the services ABA Net proposes to offer are competitive, and ABA Net 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 ABA Net's proposed tariff details the services, equipment, and pricing it proposes to offer. The Commission finds that the proposed tariff filed on January 29, 2007, shall be approved as amended to become effective on March 1, 2007.

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. 2005, 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 ORDERED THAT:

1. ABA Net, 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. The certification granted herein is conditioned upon the company's compliance with the regulatory obligations in this order.
3. ABA Net, 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

4. The tariff filed by ABA Net, LLC on January 29, 2007, under tariff number YX-2007-0530, is approved as amended to become effective on March 1, 2007. The tariff approved is:

P.S.C. MO. Tariff No. 1
Original Sheet 1 through Original Sheet 24

5. This order shall become effective on March 1, 2007.
6. This case may be closed on March 2, 2007.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

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

Dated at Jefferson City, Missouri,
on this 22nd day of February, 2007.