

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of Neutral Tandem –)
Missouri, LLC, for Expansion of Certificate of)
Service Authority to Provide Basic Local Exchange) **File No. CA-2010-0245**
Telecommunications Service in the State of Missouri)
and to Classify said Services and the Company as)
Competitive.)

ORDER DIRECTING FILING

Issue Date: April 5, 2010

Effective Date: April 5, 2010

Neutral Tandem – Missouri, LLC, was granted a certificate of service authority to provide basic local service in certain exchanges conditioned on a cap in its originating and terminating access rates.¹ The Commission granted a variance from this certificate condition in File No. TT-2010-0099, so that Neutral Tandem could charge only three rates statewide, including a single rate in the small incumbent local exchange carrier (ILEC) areas. The Commission also approved a tariff revision in TT-2010-0099 implementing those rates, but required that Neutral Tandem could not operate under that tariff in any area in which it was not certificated.

On February 26, 2010, Neutral Tandem filed an application to expand its certificate of basic local telecommunications service authority to include the provision of basic local exchange telecommunications service authority throughout the state of

¹ File No. CA-2006-0035, *Order Granting Certificate to Provide Basic Local Telecommunications Services*, (issued November 10, 2005).

Missouri. Neutral Tandem proposes once again that its certificate be conditioned by a cap on originating and terminating access rates.²

The Commission seeks clarification from Neutral Tandem and from the Commission Staff on the current status of the request for an access rate cap. After the original certificate was granted, but prior to the Commission granting the variance, H.B. 1779 became effective.³ That bill codified the access rate cap for competitive companies at subsection 392.361.6, RSMo Supp. 2009. The statute, at subsection 392.361.5, also gives the Commission authority to waive certain statutory provisions, however subsection 6 is not included in that authority.

Therefore, the Commission directs that Neutral Tandem clarify whether the applicant is agreeing to operate under the access rate cap as found in subsection 392.361.6. If paragraph 15 of the application was included in error, or for some other reason the applicant is not agreeing to operate under the access rate caps, the Commission directs Neutral Tandem and Staff to explain whether the variance granted in TT-2010-0099 is sufficient to remove the access cap under both the Commission's certificate and the statutory requirement.

THE COMMISSION ORDERS THAT:

1. No later than April 15, 2010, Neutral Tandem – Missouri, LLC, and the Staff of the Missouri Public Service Commission shall file a pleading clarifying the access rate cap and the statutory authority as set out above.

² Application to Expand Certificate of Basic Local Service Authority, (filed Feb. 26, 2010), paragraph 15.

³ Effective August 28, 2008.

2. This order shall become effective upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Nancy Dippell, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 5th day of April, 2010.