

WINDSTREAM SERVICES, LLC

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Carol Keith
Deputy General Counsel

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November 13, 2017

Via E-Filing

Mr. Morris Woodruff
Secretary
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

RE: In the Matter of the Application of Broadview Networks, Inc. for Expansion of Certificate of Service Authority to Provide Basic Local Exchange Telecommunications Service in the State of Missouri

Dear Mr. Morris:

Enclosed please find the Application of Broadview Networks, Inc. for an Amended Certificate of Authority, Verification, and Certificate of Service in connection with the above referenced matter.

If you have any additional questions, please contact Nicole Winters at (501) 748-6313 or by e-mail at nicole.winters@windstream.com.

Sincerely,

Carol Keith
Deputy General Counsel

Enclosures

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

In the Matter of the Application of Broadview Networks,)	
Inc. for Expansion of Certificate of Service Authority to)	Case No.
Provide Basic Local Exchange Telecommunications)	
Service in the State of Missouri)	

APPLICATION OF BROADVIEW NETWORKS, INC.
TO EXPAND CERTIFICATE OF BASIC LOCAL EXCHANGE
TELECOMMUNICATIONS AUTHORITY

COMES NOW Broadview Networks, Inc. (“Broadview” or “Applicant”), hereby respectfully submits this application to expand its certificate to provide basic local exchange telecommunications service in additional exchanges and to classify Broadview and its services in those exchanges as competitive. Broadview also requests, to the extent it is necessary, that its existing statutory and rule waivers currently in place be extended to the expanded service territory. In support of its Application, Broadview states as follows:

1. Broadview is a New York corporation duly authorized to conduct business in Missouri, as evidenced by the Certificate of Service Authority issued on January 2, 2010 and revised effective on January 13, 2010 in Case No. CA-2010-0126, and incorporated herein by reference pursuant to Rule 4 CSR 240-2.060(1)(G). Broadview’s principal office is located at 4001 N. Rodney Parham Road, Little Rock, Arkansas 72212. Broadview is a “local exchange telecommunications company” and a “public utility,” and is duly authorized to provide “telecommunications service” within the State of Missouri as each of those phrases are defined in §386.020, RSMo 2000.

2. In its Order and revised Order issued in January 2010, the Missouri Public Service Commission (“Commission”) granted Broadview competitive classification¹ and waived its application of its standard list of statutes and rules.² The Orders further granted Broadview the authority to provide services in the exchanges of Southwestern Bell Telephone, L.P. d/b/a AT&T Missouri, Embarq Missouri, Inc. d/b/a Embarq, CenturyTel of Missouri, LLC and/or Spectra Communications Group, LLC.³

3. Broadview now seeks the expansion of its certificate of service authority to provide basic local exchange telecommunications services to the exchanges of the incumbent Windstream Missouri, LLC (“Windstream”), the specific exchanges are listed on Attachment 1, which is incorporated by reference.

4. All correspondence, communications, and orders and decisions of the Commission issued in this matter should be sent to:

Carol Keith
Deputy General Counsel
Broadview Networks, Inc.
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Little Rock, AR 72212
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Facsimile: (330) 486-3561
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I. Qualifications

5. Applicant continues to possess sufficient technical and managerial resources and abilities to provide basic local exchange telecommunications service as required by §392.455(1)

¹ In the Matter of the Application of Broadview Networks, Inc. for a Certificate of Service Authority to Provide Basic local exchange telecommunications Services in Portions of the State of Missouri and to Classify Said Services and the Company as Competitive, File No. CA-2010-0126, Issued January 1, 2010 and revised January 13, 2010, at 2.

² *Id.*, at 6.

³ *Id.*, at 1

RSMo., as found by the Commission in its Order. It has been successfully providing basic local service in Missouri since 2010.

II. Description of Services

6. Broadview is currently authorized to, and does, provide basic local exchange telecommunications services in certain Missouri exchanges. On November 1, 2017, Applicant provided notice to the Commission, pursuant to §392.461, RSMo, of its election to be exempt from any requirement to file or maintain with the Commission any tariff or schedule of rates. Applicant has provided and continues to provide services pursuant to the rates, charges, terms and conditions made available on its website, at <http://corporate.broadviewnet.com/CustomerCenter/TariffsRates-States.asp>.

7. Broadview plans to continue to offer the services outlined in its initial Application for certification⁴ in the new service territory as requested and as facilities permit.

8. The additional basic local exchange service area for which Broadview seeks certification would be no different than that presently served by Windstream, the incumbent local exchange telecommunications company. The serving the area will follow the boundaries of Windstream and would be no smaller than an exchange.

9. Broadview has negotiated an interconnection agreement with Windstream and has filed such agreement for Commission approval in Docket No.: IK-2018-0112, filed on October 30, 2017.

10. Broadview seeks continued classification as a competitive telecommunications company, including classification of its basic local exchange telecommunications service in the

⁴ In the Matter of the Application of Broadview Networks, Inc. for a Certificate of Service Authority to Provide Basic local exchange telecommunications Services in Portions of the State of Missouri and to Classify Said Services and the Company as Competitive, File No. CA-2010-0126, Filed October 27, 2009, at 4.

new service area as competitive, pursuant to §392.361 RSMo, and 4 CSR 240-3.510(1)(A). As earlier noted, in the Commission's order granting Broadview a certificate of service authority, the Commission classified Broadview and its services as competitive.⁵

III. Compliance with Rules and Request for Waiver

11. Broadview will comply with all applicable Commission rules, except those which are specifically waived by the Commission. Broadview has elected to waive the application and enforcement of several telecommunications-related statutes and rules pursuant to §392.361.5 and §392.420, RSMo. Specifically:

Statutes:

- 392.210.2 Accounting requirements (system of accounts)
- 392.240.1 Reasonableness of rates
- 392.270 Accounting requirements (valuation of property)
- 392.280 Accounting requirements (depreciation rates/accounts)
- 392.290 Issuance of stocks, bonds and other indebtedness
- 392.300 Transfer of property and ownership of stock
- 392.310 Approval of issuing stocks, bonds and other indebtedness
- 392.320 Certificate of Commission to be recorded-stock dividends
- 392.330 Accounting requirements (proceeds of sales of stocks, bonds, notes, etc.)
- 392.340 Company reorganization

Rules:

- 4 CSR 240-3.520 Applications to sell or transfer assets
- 4 CSR 240-3.525 Applications to merge or consolidate
- 4 CSR 240-3.530 Applications to issue stocks, obtain loans
- 4 CSR 240-3.535 Applications to acquire stock
- 4 CSR 240-3.545(8) Listing of Waivers in Tariff
- 4 CSR 240-3.550 Telco Records and Reports (except (5)(B)(D) and (E))
- 4 CSR 240-3.555 Residential Customer Inquiries
- 4 CSR 240-3.560 Procedure for Ceasing Operations
- 4 CSR 240-10.020 Depreciation Records
- 4 CSR 240-30.020 Residential Telephone Underground Systems
- 4 CSR 240-30.040 Uniform System of Accounts

^{5 5} In the Matter of the Application of Broadview Networks, Inc. for a Certificate of Service Authority to Provide Basic local exchange telecommunications Services in Portions of the State of Missouri and to Classify Said Services and the Company as Competitive, File No. CA-2010-0126, Issued January 1, 2010 and revised January 13, 2010, at 2.

- 4 CSR 240-32.010 General Provisions
- 4 CSR 240-32.040 Metering, Inspections and Tests
- 4 CSR 240-32.050 Customer Services
- 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 Interexchange 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 Clear identification and placement of charges on bills
- 4 CSR 240-33.050 Deposits
- 4 CSR 240-33.060 Residential Customer Inquiries
- 4 CSR 240-33.070 Discontinuance 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

12. Broadview hereby notifies the Commission of its election to waive and be exempt from the application and enforcement of the above statutes and rules as to the additional exchanges for which it seeks certification, effective on the same date as the effective of the Commission's order granting the relief sought by Applicant.

13. Broadview has no pending action or final unsatisfied judgements or decisions against it from any state or federal agency or court which involve Missouri retail services or rates, which action, judgment or decision has occurred three (3) years of the date of this Application.

14. Broadview does not have any overdue annual reports or assessment fees due to the Commission.

IV. Public Interest Considerations

15. Broadview submits that the public interest will be served by the Commission's approval of this Application because the proposed services will create and enhance competition and expand customer service options and service types consistent with the legislative goals for the Telecommunications Act of 1996, and Chapter 392, RSMo. Prompt approval of this application will further expand the availability of innovative, high quality, and reliable telecommunication services within the state of Missouri.

V. Conclusion

WHEREFORE, Broadview respectfully requests the Commission grant this Application by:

1. expanding Broadview's certificate of service authority to include the provision of basic local telecommunications services in the additional exchanges listed in Attachment 1 hereto;
2. classifying Broadview and its basic local service in the new service territory as competitive;
3. waiving the application and enforcement of the statutes and rules referenced herein in the new service territory (to the extent necessary); and
4. granting such further and other relief as the Commission deems necessary.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Carol Keith", written over a horizontal line.

Carol Keith MBN 45065
Deputy General Counsel
Broadview Networks, Inc.
4001 N. Rodney Parham
Little Rock, AR 72212
Telephone: (847) 550-4433
Facsimile: (330) 486-3561
E-mail: Carol.Keith@windstream.com

Attorney for Broadview Networks, Inc.

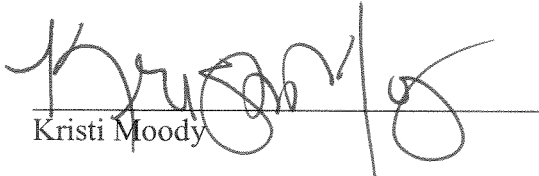
Attachment 1

Albany	Aldrich	Allendale	Bellflower	Bolivar
Coffey	Crocker	Clubb	Dixon	Doniphan
Eolia	Fairdealing	Fair Play	Fairview	Florence
Gallatin	Grandin	Grant City	Greenville	Holliday
Halfway	Iberia	Jameson	Laclede	Liberal
Madison	Martinsburg	Mendon	Middletown	Milan
Mindenmines	Morrisville	Myrtle	Naylor	Neelyville
New Hartford	Olney	Oxly	Patterson	Pattonsburg
Piedmont	Pleasant Hope	Polk	Ponder	Purdy
Rothville	Silex	St. Elizabeth	Stark City	Stockton
Stotts City	Stover	Sumner	Union Star	Vandalia
Verona	Wappapello Park	Wheaton	Williamsville	Winston

VERIFICATION


STATE OF ARKANSAS)
) SS
COUNTY OF PULASKI)

I, Kristi Moody, SVP – General Counsel & Corporate Secretary for Broadview Networks, Inc., hereby verify and affirm that I have read the foregoing Application, and that the statements contained therein are true and correct to the best of my information and belief.



Kristi Moody

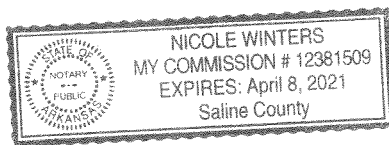
Subscribed and sworn to before me on this 10th day of November, 2017.



Notary Public

My Appointment Expires:

April 8, 2021



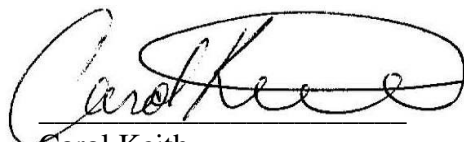
CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered, transmitted by e-mail or mailed, First Class, postage prepaid, this 13th day of November, 2017 to:

Office of the Public Counsel
200 Madison Street
Jefferson City, MO 65101

Kevin Thompson, Chief Staff Counsel
Missouri Public Service Commission
200 Madison Street
Jefferson City, MO 65101

Windstream Missouri, LLC
Attn: Legal Department
4001 N. Rodney Parham Road
MS: 1170-B1F03-53A
Little Rock, AR 72212


Carol Keith