

ORIGINAL

**STEWART & KEEVIL, L.L.C.**  
ATTORNEYS AT LAW

CHARLES BRENT STEWART  
JEFFREY A. KEEVIL

1001 CHERRY STREET  
SUITE 302  
COLUMBIA, MISSOURI 65201-7931

TELEPHONE (573) 499-0635  
FACSIMILE (573) 499-0638

October 22, 2002

FILED<sup>2</sup>

OCT 22 2002

Missouri Public  
Service Commission

Mr. Dale Hardy Roberts  
Secretary/ Chief Regulatory Law Judge  
Missouri Public Service Commission  
200 Madison Street, Suite 100  
P.O. Box 360  
Jefferson City, Missouri 65102

Re: Axis, Inc., d/b/a Axis Communications  
Interexchange/ NON-Switched Local Exchange Application

Dear Mr. Roberts,

Please find enclosed for filing an original and eight copies of Axis, Inc., d/b/a Axis Communications' Application For Interexchange/ NON-Switched Local Exchange Authority and For Competitive Classification. The Application includes as Appendix B to the Application Applicant's proposed tariff bearing a 45-day effective date. Also please find an additional five copies of Applicant's proposed tariff for the Commission's tariff file.

Sincerely,



John Dowe Miller

JDM/nt

Enclosure

cc: General Counsel's Office  
Office of the Public Counsel  
Patrick Crocker

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

**FILED<sup>2</sup>**  
**OCT 22 2002**  
**Missouri Public  
Service Commission**

In the Matter of the Application of )  
**Axius, Inc., d/b/a Axius Communications** )  
for a Certificate of Service Authority to Provide )  
Intrastate Interexchange and Non-Switched ) Case No. \_\_\_\_\_  
Local Exchange Telecommunications Services )  
to the public within the State of Missouri and for )  
Competitive Classification. )

**APPLICATION FOR INTEREXCHANGE AND  
NON-SWITCHED LOCAL EXCHANGE AUTHORITY  
AND COMPETITIVE CLASSIFICATION**

Comes now **Axius, Inc., d/b/a Axius Communications** ("Applicant" or "Axius"), by and through counsel, and pursuant to Sections 392.361, 392.410, 392.420, 392.430, 392.440 RSMo 2000, and 4 CSR 240-2.060(6), files this Verified Application requesting that the Missouri Public Service Commission (hereinafter "the Commission") issue an order that:

- (a) grants Applicant a certificate of service authority to provide intrastate resold, interexchange and non-switched local exchange telecommunications services, as herein more specifically defined, pursuant to Chapter 392 RSMo;
- (b) grants competitive status to Applicant and Applicant's requested services; and
- (c) waives certain Commission rules and statutory provisions pursuant to Sections 392.420 and 392.361 RSMo 2000, consistent with the Commission's past treatment of other certificated providers of competitive interexchange/dedicated private line telecommunications services.

In support of its request, Applicant states that:

1. Applicant is a foreign corporation formed and operating under the laws of the State of Oklahoma and is duly authorized to transact business in the State of Missouri. Pursuant to the relevant provisions of 4 CSR 240-2.060, a certificate of authority from the Missouri Secretary of State's Office is attached hereto and incorporated herein by reference as **Appendix A**. Applicant's principal place of business is 2300 North 10<sup>th</sup> Street, Enid, OK 73701.

2. All communications, notices, orders and decisions respecting this Application and proceeding should be addressed to:

John Dowe Miller  
Stewart & Keevil, L.L.C.  
1001 Cherry Street, Suite 302 900 Comerica Building  
Columbia, Missouri 65201  
(573) 499-0635  
(573) 499-0638 (fax)

Patrick D. Crocker  
Early, Lennon, Crocker & Bartosiewicz, P.L.C.  
Kalamazoo, Michigan 49007-4752  
(269) 381-8844  
(269) 349-8525 (fax)

with a copy to:

Curt Bakker  
Axius, Inc., d/b/a Axius Communications  
2300 North 10<sup>th</sup> Street  
Enid, OK 73701  
(580) 977-2441

Questions concerning Applicant's ongoing operations should be directed to Mr. Bakker at the above address and phone number. Questions regarding Applicant's proposed tariff should be directed to Mr. Miller.

3. By this Application, Applicant proposes to provide various types of intrastate interexchange and non-switched private line telecommunications services throughout the state of Missouri on a resold basis. At this time Applicant is seeking authority to provide non-switched, dedicated private line services. Specifically, Applicant seeks authority to provide a full range of "1+" interexchange services, MTS, out-WATS, in-WATS, and Calling Card Services, and where appropriate, non-switched local exchange/private line services. Applicant provides telecommunications services to primarily residential customers. Applicant combines high quality transmission services with very competitive rates, flexible end user billing, professional customer service and excellent reporting to create a unique blend that meets individualized needs of such customers. Applicant intends to engage in "switchless resale". Applicant will arrange for the traffic of underlying subscribers to be routed directly over the networks of Applicant's network providers.

Pursuant to 4 CSR 240-2.060(4)(H), Applicant's proposed tariff bearing an effective date of December 5, 2002, is attached hereto and incorporated herein by reference as **Appendix B**.

4. Applicant requests that it and all its services proposed herein be classified as competitive. Applicant's proposed services herein fall within the category of the types of services that have routinely been authorized by the Commission for numerous other competitive carriers upon verified application without the need for evidentiary hearings. Applicant's proposed services will be subject to sufficient competition to justify a lesser degree of regulation; granting this Application will allow greater price and service options for telecommunications customers and will be in the public interest. Granting Applicant's requested competitive classifications is consistent with past Commission treatment of other competitive certificated interexchange/private line carriers and will encourage competition consistent with the public policy of Federal Telecommunications Act of 1996 and Chapter 392 RSMo.

5. Applicant is willing to comply with all applicable Commission orders, rules and regulations. Applicant requests however, pursuant to Section 392.440 RSMo 1994, that the Commission at minimum waive the application of the following rules and statutory provisions as they relate to the regulation of Applicant to the extent that they previously and routinely have been waived for other certificated competitive interexchange/private line carriers:

### Statutes

392.210.2	--uniform system of accounts
392.240.1	--ratemaking
392.270	--valuation of property (ratemaking)
392.280	--depreciation accounts
392.290	--issuance of securities
392.300.2	--stock acquisition
392.310	--stock & debt issuance
392.320	--stock dividend payment
392.330	--issuance of securities, debts and notes
392.340	--reorganizations

### Commission Rules

4 CSR 240-10.020	--depreciation fund income
4 CSR 240-30.010(2)(C)	--rate schedules
4 CSR 240-30.040	--uniform system of accounts
4 CSR 240-33.030	--minimum charges rule
4 CSR 240-35	--bypass reporting

6. Applicant is financially capable of providing the services proposed. Applicant also possesses the necessary technical and managerial expertise and experience necessary to provide the services it proposes to offer at standards that will meet or exceed all service standards established by the Commission.

7. Pursuant to 4 CSR 240-2.060 (1) (H), Applicant states that Applicant is a telecommunications company seeking authority to provide telecommunications service.

8. Pursuant to 4 CSR 240-2.060 (1) (K), Applicant states that it does not have any pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action judgment or decision has occurred within three (3) years of the date of this Application.

9. Pursuant to 4 CSR 240-2.060 (1) (L), Applicant states that no Commission annual report or assessment fees are overdue.

WHEREFORE, Applicant respectfully requests that the Commission: (1) expeditiously grant it a certificate of service authority to provide intrastate, resold interexchange and non-switched local exchange telecommunications services within the State of Missouri; (2) grant Applicant and its proposed services competitive status; and (3) waive the application of the above-referenced statutes and Commission rules; all consistent with past Commission practice and the Commission's treatment of other certificated, competitive providers of intrastate interexchange and non-switched local exchange telecommunications services.

Respectfully submitted,



John Dowe Miller MoBar, #50891  
STEWART & KEEVIL, L.L.C.  
1001 Cherry Street, Suite 302  
Columbia, MO 65201  
(573) 499-0635  
(573) 499-0638 (fax)  
[jdowemiller@yahoo.com](mailto:jdowemiller@yahoo.com)

**Attorneys for Applicant:**  
**AXIUS, INC.,**  
**D/B/A AXIUS COMMUNICATIONS**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Verified Application has been sent this date to the General Counsel's Office and the Office of the Public Counsel by hand-delivery, this 22nd day of October, 2002.



**VERIFICATION**

Patrick D. Crocker, Attorney for Axius, Inc., d/b/a Axius Communications first being duly sworn on oath, deposes and says that he has read the foregoing Application and verifies that the statements made therein are true and correct to the best of his knowledge, information and belief.

Axius, Inc., d/b/a Axius Communications

By: \_\_\_\_\_

Patrick D. Crocker

Early, Lennon, Crocker & Bartosiewicz, P.L.C.

Its: Attorney

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of October 2002  
by Patrick D. Crocker.

*Cheryl L. Adams*

Notary Public: Cheryl L. Adams  
Commission Expires: 06/24/05  
County of Kalamazoo, Michigan



**Axius, Inc., d/b/a Axius Communications**  
**IXC/ PRIVATE LINE AUTHORITY**

---

**APPENDIX A**

**Certificate of Authority to Transact Business**



No. F00510779

# STATE OF MISSOURI



Matt Blunt  
Secretary of State

## CORPORATION DIVISION - CERTIFICATE OF AUTHORITY

WHEREAS,  
AXIUS, INC.

using in Missouri the name  
AXIUS, INC.

has complied with the General and Business Corporation Law which governs Foreign Corporations; by filing in the office of the Secretary of State of Missouri authenticated evidence of its incorporation and good standing under the Laws of the State of OKLAHOMA.

NOW, THEREFORE, I, MATT BLUNT, Secretary of State of the State of Missouri, do hereby certify that said corporation is from this date duly authorized to transact business in this State, and is entitled to all rights and privileges granted to Foreign Corporations under the General and Business Corporation Law of Missouri.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 8th day of JULY, 2002.

A handwritten signature of Matt Blunt in dark ink, written over a horizontal line.

Secretary of State

\$155.00





# State of Missouri

412696

No. X

Rebecca McDowell Cook, Secretary of State

Corporation Division

## Registration of Fictitious Name

(Submit in duplicate with a filing fee of \$7)

This information is for the use of the public and gives no protection to the name. There is no provision in this Chapter to keep another company or corporation from adopting and using the same name. (RSMo 417)

We, the undersigned, are doing business under the following name, and at the following address:

Name to be registered: AXIUS COMMUNICATIONS  
Missouri Business Address: 2300 N. 10TH ST.  
(P.O. Boxes not accepted)  
City, State and Zip Code: ENID, OK 73701

The parties having an interest in the business, and the percentage they own are (if a corporation is owner, indicate corporation name and percentage owned). If all parties are jointly and severally liable, percentage of ownership need not be listed:

Name of Owners, Individual or Corporate	Street and Number	City	State and Zip Code	If listed, Percentage of ownership must equal 100%
<u>AXIUS, INC.</u>	<u>2300 N. 10TH ST.</u>	<u>ENID</u>	<u>OK 73701</u>	

(Must be typed or printed)

Return to: Secretary of State  
Corporation Division  
P.O. Box 778  
Jefferson City, Mo. 65102

(Over)

FILED

JUL 8 2002

M. B. B. B.  
SECRETARY OF STATE

The undersigned, being all the parties owning interest in the above company, being duly sworn, upon their oaths each did say that the statements and matters set forth herein are true.

Individual  
Owners  
Sign Here

X

X

X

X

X

X

The undersigned corporation has caused this application to be executed in its name by its President or Vice-President and its Secretary or Assistant Secretary, this 29<sup>th</sup> day of May, 2002.

If  
Corporation  
is  
Owner,  
Corporate  
Officers  
Execute  
Here

AXIUS, INC.

(Exact Corporate Title)

By

Jack Baldwin

Its President or Vice-President

By

Rita Baldwin

Its Secretary or Assistant Secretary

(Corporate Seal)

If no seal, state "none".

State of ~~Missouri~~ Oklahoma

County of Garfield

ss

I, Kay Morris, A Notary Public, do hereby certify that on the 29 day of May, 2002, personally appeared before me Rita Baldwin and Jack Baldwin and being first duly sworn by me, acknowledged that they signed as their own free act and deed the foregoing document in the capacity therein set forth and declared that the statements therein contained are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year before written.

(Notarial Seal)

Kay Morris  
Notary Public

My commission expires 12/03/2005

**Axius, Inc., d/b/a Axius Communications**  
**IXC/ PRIVATE LINE AUTHORITY**

---

**APPENDIX B**

**Proposed Tariff**