

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of Telcentrex, LLC for a)
Certificate of Service Authority to Provide Resold and)
Facilities-Based/UNE Basic Local Telecommunications) **Case No. CA-2007-0251**
Services in Portions of the State of Missouri and to)
Classify Such Services and the Company as Competitive)

ORDER APPROVING BASIC LOCAL EXCHANGE CERTIFICATE OF SERVICE AUTHORITY

Issue Date: March 8, 2007

Effective Date: March 19, 2007

Syllabus: This order grants Telcentrex, LLC ("Telcentrex") a certificate of service authority to provide basic local exchange telecommunications service throughout all exchanges currently served by Southwestern Bell Telephone, L.P. d/b/a AT&T Missouri ("AT&T"); Embarq Missouri, Inc. d/b/a Embarq ("Embarq"); CenturyTel of Missouri, LLC ("CenturyTel"); and Spectra Communications Group, LLC d/b/a CenturyTel ("Spectra").

On January 2, 2007, Telcentrex applied to the Missouri Public Service Commission for a certificate of service authority to provide basic local exchange telecommunications services on a facilities basis to prospective customers in the exchanges of certain incumbent local exchange carriers, including AT&T, Embarq, CenturyTel, and Spectra. Telcentrex's application, which was filed pursuant to Section 392.410, RSMo Cum. Supp. 2005 and sections 392.410 through 392.450,

RSMo 2000,¹ as well as the pertinent administrative regulations, did not (and was not required to) contain a proposed tariff.²

Telcentrex asked the Commission to classify it and its services as competitive and to waive certain statutes and Commission rules as authorized by sections 392.361 and 392.420. Telcentrex, whose principal office is located at 5490 McGinnis Village Place, Suite 114, Alpharetta, Georgia 30005, is a Georgia limited liability company duly registered and authorized to do business in Missouri as a foreign limited liability company.

The Commission issued a Notice of Applications for Certificates of Service Authority and Opportunity to Intervene on January 9, 2007, directing parties wishing to intervene to file their requests by January 24, 2007. No requests for intervention were filed.

Telcentrex intends to provide resold and facilities-based basic local exchange telecommunications services to residential and business class customers, including the types of such services currently offered by incumbent basic local exchange carriers in the proposed service areas.

In its Memorandum filed on March 7, 2007, the Staff of the Commission recommended that the Commission grant Telcentrex a certificate of service authority to provide basic local telecommunications service in the service areas of AT&T, Embarq, CenturyTel, and Spectra, conditioned upon certain access rate provisions. Staff

¹ Unless otherwise indicated, all statutory references are to RSMo 2000.

² See Commission Rule 4 CSR 240-3.510(1)(C), which provides that a proposed tariff may, but need not be, filed simultaneously with an application for a certificate of service authority to provide interexchange, local exchange, or basic local exchange telecommunications services.

recommended that the Commission classify Telcentrex and its services as competitive, and that the Commission waive the statutes and rules listed in the Notice.

The Commission finds that competition in the basic local exchange telecommunications markets is in the public interest and that Telcentrex shall be granted a certificate of service authority. The Commission finds that the services Telcentrex proposes to offer are competitive and that Telcentrex 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 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. 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. Commission Rule 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.

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.

D) The obligation to keep the Commission informed of its current address and telephone number.

The company is also reminded that, as 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.

Furthermore, as noted above, no tariff was submitted with the application. While no tariff filing is required at this time, the Commission advises Telcentrex that “[b]efore service can be provided, a tariff and any applicable interconnection agreements must be filed with the commission and approved.”³ Finally, the company is reminded that Section 392.410.5, RSMo Cum. 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. Telcentrex, LLC is granted a certificate of service authority to provide basic local telecommunications service in the service areas of Southwestern Bell Telephone, L.P. d/b/a AT&T Missouri; Embarq Missouri, Inc. d/b/a Embarq; CenturyTel of Missouri, LLC; and Spectra Communications Group, LLC d/b/a CenturyTel, subject to the conditions and recommendations contained in the Memorandum filed by the Commission’s Staff on March 7, 2007, and also subject to all applicable statutes and Commission rules except as specified in this order.

2. The certification granted herein is conditioned upon Telcentrex, LLC’s compliance with the regulatory obligations in this order.

³ 4 CSR 240-3.510(1)(C). The tariff filed with the Commission must have “an effective date which is not fewer than forty-five (45) days after the tariff’s issue date.” *Id.*

3. Telcentrex, LLC is classified as a competitive telecommunications company.

Application of the following statutes and administrative regulations 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 240-3.550(5)(C) - Exchange Boundary Map
- 4 CSR 240-10.020 - Depreciation Fund Income
- 4 CSR 240-30.040 - Uniform System of Accounts

4. This order shall become effective on March 19, 2007.
5. This case may be closed on March 20, 2007.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Benjamin H. Lane, Regulatory
Law Judge, by delegation of authority
under section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 8th day of March, 2007.