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March 24, 2008

VIA ELECTRONIC FILING

Ms. Colleen M. Dale
Secretary of the Commission
Missouri Public Service Commission
Governor Office Building
P.O. Box 360
Jefferson City, Missouri 65102

**Re: In the Matter of the Application of AGL Networks, LLC for Certificate of
Interexchange and Non-Switched Local Exchange Service Authority**

Dear Ms. Dale:

Enclosed is an electronic copy of AGL Networks, LLC's Application for Certificate of Interexchange and Non-Switched Local Service Authority (the "Application"). Please file the Application in your usual fashion.

If you have any questions or comments, please call the undersigned.

Sincerely,



Kennard B. Woods
Counsel for AGL Networks, LLC

KBW/nah

Enc.

cc: AGL Networks, LLC (With Enc. and Via Regular Mail)
Norman B. Gerry, Esq.

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

In the Matter of the Application of AGL Networks, LLC for Interexchange and Non-Switched Local Exchange Service Authority	Case No.
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Application for Interexchange and Non-Switched Local Exchange Service Authority

AGL Networks, LLC (“AGLN” or “Applicant”), pursuant to Sections 386.020(24), 386.020(31), 392.410, 392.420 and 392.430, RSMo, and 4 CSR 240-2.060, 4 CSR 240-2.080 and 4 CSR 240-3.510, and other applicable law, hereby respectfully applies to the Missouri Public Service Commission (the “Commission”) for a certificate for interexchange service and non-switched local exchange service authority.

In support of this Application, AGLN states as follows:

1. Applicant’s full name, street and mailing address of its principal office, telephone number, fax number and electronic mail address are as follows:

AGL Networks, LLC
Ten Peachtree Place
Suite 1000
Atlanta, Georgia 30309
Telephone: 404-584-3046
Facsimile: 404-584-3375
Email: wharris@aglresources.com

2. Applicant is a limited liability company duly created and existing under and by virtue of the laws of the State of Delaware. Applicant is authorized to do business in Missouri, having registered properly with the Missouri Secretary of State, and is in good standing with the Office of the Missouri Secretary of State, pursuant to 4 CSR 240-2.060(1)(C). *See Attachment 1.*

3. The character of Applicant's business is the deploying, leasing and selling of fiber optic networks and systems to telecommunications service providers and business customers.

4. All correspondence, pleadings, orders, decisions, and communications regarding this proceeding should be sent to:

Norman B. Gerry, Esq.
Kennard B. Woods, Esq.
Friend, Hudak & Harris, LLP
Three Ravinia Drive, Suite 1450
Atlanta, Georgia 30346-2131
Telephone: 770-399-9500
Facsimile: 770-395-0000
Email: ngerry@fh2.com
kwoods@fh2.com

5. In accordance with 4 CSR 240-2.060(1)(K), Applicant states that there are no final unsatisfied judgments or decisions against it in any state or federal agency or court which involve customer service or rates for which action, judgment or decision has occurred within three (3) years of the date of this Application.

6. Pursuant to 4 CSR 240-2.060(1)(L), Applicant states that it does not have any overdue annual reports or assessment fees owed to the Commission. *See Attachment 2.*

7. Applicant seeks the classification of itself and its services as competitive pursuant to Section 392.361, RSMo, so that all telecommunications services to be offered pursuant to the certification to be granted by the Commission in approving this Application, are and will be competitive telecommunications services.

8. Applicant seeks authority to offer non-switched local exchange telecommunications services, intraLATA and interLATA interexchange

telecommunications services, including non-switched, private line services, facilities-based point-to-point, point-to-multipoint, and multipoint-to-multipoint services and dark fiber, conduit, innerduct and last-mile dedicated connectivity for the provision of voice, data and information services to and between telecommunications service providers and business customers, through the installation, construction, lease, management and sale of fiber optic networks in Missouri. Applicant plans to deploy metropolitan fiber optic networks in Missouri, and to lease and sell the dark fiber, innerduct and conduit that comprise these networks to telecommunications service providers and business customers. Additional descriptions of Applicant's plans are set forth in Attachment 3.

9. Consistent with Section 392.420, RSMo, and the Commission's treatment of other certificated competitive local exchange telecommunications companies, and pursuant to the designation of Applicant as a competitive telecommunications company that provides competitive telecommunications services, Applicant requests that the following statutes and regulations be waived, for good cause:

<u>Statutes</u>	<u>Commission Rules</u>
RSMo	4 CSR 240-10.020
392.210.2	4 CSR 240-30.040
392.240.1	
392.270	
392.280	
392.290	
392.300.2	
392.310	
392.320	
392.330	
392.340	

Waiver is justified in this case since enforcement of these laws and regulations in respect of a new entrant like Applicant serves no useful purpose. For this reason, the

Commission routinely waives application of these statutes and rules to competitive carriers that request a waiver.

10. Consistent with Section 392.410.5, RSMo and 4 CSR 240-3.510(1)(C), Applicant will submit a proposed tariff or tariffs subsequent to this Application. At such time as the facts necessary for the development of such tariff(s) are known to Applicant, it will promptly file said tariff(s) with the Commission.

11. Applicant submits that the public interest will be served by Commission approval of this application because Applicant's proposed services will create and enhance competition, maintain and advance the efficiency and availability of affordable telecommunications services, promote diversity in the supply of telecommunications-related services and products, and expand customer service options consistent with the legislative goals set forth in the federal Telecommunications Act of 1996 and Chapter 392 of the Revised Statutes of Missouri. Prompt approval of this Application also will expand the availability of innovative, high quality, and reliable telecommunications services within the State of Missouri.

WHEREFORE, Applicant respectfully requests that the Commission grant Applicant a certificate for interexchange and non-switched local exchange service authority, and a waiver of the aforesaid statutes and regulations, and for such other and further relief as the Commission deems appropriate.

Respectfully submitted this 24 day of March, 2008.



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VERIFICATION

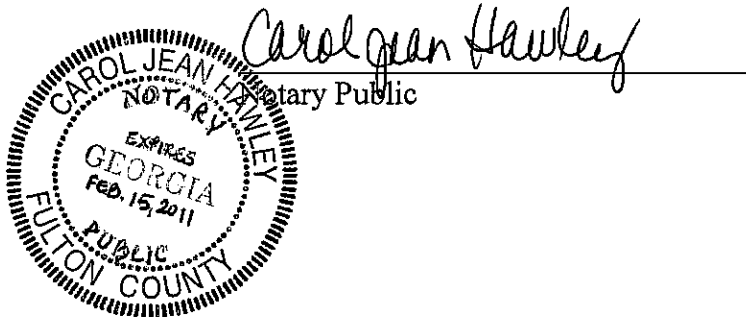
STATE OF GEORGIA)
) ss
COUNTY OF DEKALB)

I, Kennard B. Woods, an attorney for AGL Networks, LLC, being duly sworn upon my oath, do hereby state that I have read the foregoing document and that the facts stated therein are true and correct to the best of my knowledge, information and belief, and that I am authorized to file such document on behalf of AGL Networks, LLC.

Kennard B Woods
Kennard B. Woods

Subscribed and sworn to before me this 24th day of March, 2008.

My Commission Expires:
Feb 15, 2011



ATTACHMENT 1

Certificate of Good Standing for AGL Networks, LLC

STATE OF MISSOURI



Robin Carnahan
Secretary of State

**CORPORATION DIVISION
CERTIFICATE OF GOOD STANDING**

I, ROBIN CARNAHAN, Secretary of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

AGL NETWORKS, LLC

using in Missouri the name

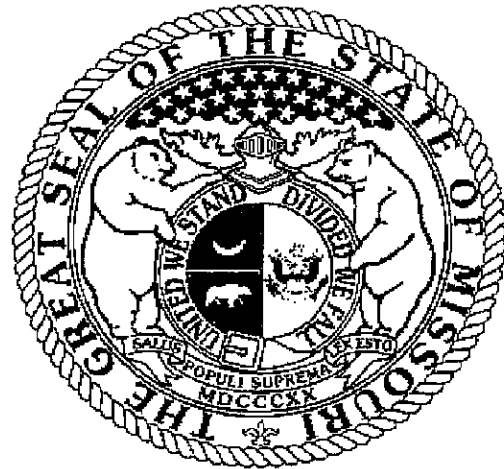
**AGL NETWORKS, LLC
FL0064432**

a DELAWARE entity was created under the laws of this State on the 29th day of April, 2002, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the GREAT SEAL of the State of Missouri. Done at the City of Jefferson, this 18th day of March, 2008

A handwritten signature in cursive script that reads "Robin Carnahan".

Secretary of State



ATTACHMENT 2

The Commission's Record of Previous Proceedings Involving AGLN

On October 1, 2002, the Commission, in its *Order Approving Interexchange and Nonswitched Local Exchange Certificates of Service Authority*, in Case No. XA-2003-0060, granted AGLN certificates of service authority to provide interexchange and nonswitched local exchange telecommunications services.

On January 29, 2004 the Staff of the Commission filed a complaint against AGLN, alleging that it was subject to penalties for failing to file an annual report for 2002. On June 17, 2004, the Commission entered its *Determination on Pleading and Order Directing General Counsel to Seek Penalties*, in Case No. TC-2004-0314. The order authorized and directed the General Counsel to seek penalties against AGLN in Circuit Court for failure to file an annual report for 2002. On November 8, 2004, the General Counsel's office of the Commission issued a letter stating that, notwithstanding the Commission's June 17, 2004 order, the parties had agreed that AGLN had never exercised authority pursuant to its certification, that the Commission in subsequent cases had found that companies that never exercised their certificate of service authority were not responsible for submitting annual reports, and that in such cases the Commission had denied Staff's complaints. Accordingly, the General Counsel's office advised AGLN that the General Counsel's office would not pursue any penalty action against AGLN.

On January 11, 2005 the Staff of the Commission filed a motion in Case No. XD-2005-0222, requesting the Commission to find that the certificate of service authority issued to AGLN was null and void, since, according to Staff, AGLN did not have an approved tariff in Missouri, and Applicant had stated in the aforesaid complaint action that it had not provided telecommunications services in Missouri at any time. AGLN also requested that the Commission find its certificate null and void. On February 16, 2005, the Commission issued its *Order Finding Certificate Is Null and Void and Directing Staff to Remove Company From Its Record of Certificated Companies*. The order also stated that Staff noted that AGLN did not owe the Commission any assessments, and that AGLN had submitted all outstanding annual reports.

Since the February 16, 2005 order, AGLN's business plans have changed, and it now desires to function as a telecommunications company in Missouri, and is thus again seeking certificate of service authority from the Commission as required by Missouri law.

ATTACHMENT 3

Additional Description of AGLN's Plans

With respect to its fiber optics networks, AGLN generally will initially build a fiber ring(s) in a market area and subsequently construct laterals off the ring that terminate at various locations selected by the telecommunications service providers and business customers. AGLN will construct the necessary conduit and innerduct, manholes and handholes and install optical fiber. If requested, AGLN may also install termination facilities inside building locations to access the fiber for the provision of high capacity fiber transport services to wireline and wireless carriers as well as to enterprise companies, government, health care and educational institutions, enabling last-mile connectivity to major office buildings, collocation sites, points of presence, incumbent local exchange company central offices and carrier hotels. AGLN may also offer (i) fiber, conduit or innerduct leasing (IRUs), (ii) sales of optical fibers, conduit or innerduct and (iii) network maintenance and construction services to its customers. The types of customers who benefit from AGLN's fiber optic networks include telecommunications carriers, data centers and telecommunications hotels, major enterprise end user customers, and other business end users with applications for data, call centers and disaster recovery.

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, postage prepaid, to the following persons this 24 day of March, 2008.

Kevin Thompson
General Counsel
Missouri Public Service Commission
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P.O. Box 360
Jefferson City, Missouri 65101

Lewis R. Mills, Jr.
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