

**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. CA-2008-0306  
) Tariff File No. YX-2009-0591  
)  
)

**STAFF RECOMMENDATION**

COMES NOW the Staff of the Missouri Public Service Commission and for its Recommendation in this proceeding, respectfully states as follows:

1. In its Order issued April 30, 2008, the Commission granted AGL Networks, LLC, certificates of service authority to provide interexchange and nonswitched local exchange telecommunications services.

2. AGL Networks submitted its initial tariff (P.S.C.Mo.No. 1) on February 18, 2009, with a proposed effective date of April 4, 2009.

3. In the attached Memorandum, the Staff states that the tariff meets Staff's review for compliance with rules for competitive company tariff filings. The Staff has no objection to the tariff taking effect.

WHEREFORE, the Staff recommends that AGL Networks' initial tariff be allowed to take effect by operation of law, or be approved, effective April 4, 2009.

Respectfully submitted,

/s/ William K. Haas

William K. Haas  
Deputy General Counsel  
Missouri Bar No. 28701

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Missouri Public Service Commission

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 2nd day of April, 2009.

/s/ William K. Haas

## MEMORANDUM

To: Missouri Public Service Commission Official Case File  
Case No: CA-2008-0306 File No: YX-2009-0591  
Applicant: AGL Networks, LLC

From: Lisa Mahaney  
Telecommunications Department  
William Voight 4/2/09  
Utility Operations Division/Date

Subject: Staff Recommendation for Approval of Initial Tariff

Date: 4/2/09  
Filing Deadline: N/A

The Telecommunications Department Staff (Staff) recommends the applicant be granted the following certificate(s), as indicated below, to be effective on the same date the tariff becomes effective:

☐ certificate to provide basic local exchange telecommunications services in the following service areas.

- ☐ All of AT&T Missouri
- ☐ All of Embark
- ☐ All of CenturyTel
- ☐ All of Spectra
- ☐ Other \_\_\_\_\_ (please describe)

☐ certificate to provide interexchange telecommunications services.

☐ certificate to provide local exchange telecommunications services.\*

\*local exchange authority should be restricted to dedicated, private line services.

Staff recommends the applicant and its services receive competitive classification. Staff further recommends a Commission order granting certification state that pursuant to Section 392.410 RSMo, unless exercised within a period of one year from the issuance thereof, authority conferred by a certificate of service authority shall be null and void. In addition, Staff recommends approval of the waivers listed in the Notice.

Granting a certificate to provide basic local exchange telecommunications services should be based on the following two conditions:

1. The applicant's originating and terminating access rates shall not exceed the access rates of the incumbent local exchange company against whom the applicant is competing pursuant to Sections 392.361.6 and 392.370 RSMo.
2. If the directly competing ILEC, in whose service area the applicant is operating, decreases its originating and/or terminating access service rates, the applicant shall file an appropriate tariff amendment to reduce its originating and/or terminating access rates in the directly competing ILEC's service area

within 30 days of the directly competing ILEC's reduction of its originating and/or terminating access rates in order to maintain the cap.

☒ No objection to tariff taking effect No. 1 effective 4/4/09  
The Staff states that the tariff meets the requirements of all applicable statutes, specifically, one or more of the following: Sections 392.200(8), (12); 392.455(3), (4); 392.515(1) and 392.500(2) RSMo. In addition, the tariff filing does not conflict with the following Commission rules: 4 CSR 240-3.545 (4), (6), (7), (8 C,G,H), (9), (15), (16), (19); 4 CSR 240-31.065(1), (2), (3); 4 CSR 240-32.150(5), 32.160(1), (2), 32.190; 4 CSR 240-33.040(4), 33.045(2), 33.050(4) and 33.070(2).

☐ Tariff was not submitted with application. Pursuant to 4 CSR 240-3.510(1)(C), the applicant cannot lawfully provide service until tariffs are effective.

Additional Comments:

☒ The Company is not delinquent in filing an annual report, paying the PSC assessment, MoUSF, and Relay Missouri.

☐ The Company is delinquent. Staff recommends the Commission grant the requested relief/action on the condition the applicant corrects the delinquency. The applicant should be instructed to make the appropriate filing in this case after it has corrected the delinquency.

(☐ No annual report ☐ Unpaid PSC assessment. Amount owed:  
☐ Unpaid MoUSF ☐ Unpaid Relay Missouri)

**Tariff Review Items (applicable for all competitively classified companies):**

☒ The tariff meets Staff's review for compliance with rules for competitive company tariff filings.

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In the Matter of the Application of AGL )  
Networks, LLC for Interexchange and )  
Non-Switched Local Exchange Service )  
Authority )

Case No. CA-2008-0306

**AFFIDAVIT OF LISA MAHANEY**

STATE OF MISSOURI )  
 ) ss:  
COUNTY OF COLE )

Lisa Mahaney, employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that she has participated in preparing the accompanying memorandum, and that the facts therein are true and correct to the best of her knowledge and belief.

  
\_\_\_\_\_  
LISA MAHANEY

Subscribed and affirmed before me this 2<sup>nd</sup> day of April.



SUSAN L. SUNDERMEYER  
My Commission Expires  
September 21, 2010  
Callaway County  
Commission #06942086

  
\_\_\_\_\_  
NOTARY PUBLIC