

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

In the Matter of the Application of AGL)
Networks, LLC for Interexchange and Non-) Case No. CA-2008-0306
Switched Local Exchange Service Authority)

STAFF RECOMMENDATION

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

1. On March 24, 2008, AGL Networks, LLC (“AGLN” or “Applicant”) filed with the Missouri Public Service Commission (“Commission”) an Application for a certificate of service authority to provide intrastate interexchange and non-switched local exchange telecommunications services in Missouri, and for classification of such services and the Applicant as competitive.

2. No tariff was submitted with the Application. Although a tariff filing at this time is not required, the Staff notes, and AGLN recognizes in its Application, that pursuant to 4 CSR 240-3.510(1)(C), AGLN cannot lawfully provide service until tariffs are effective.

3. On April 2, 2008, the Commission issued its Notice Of Applications For Intrastate Certificates Of Service Authority And Opportunity To Intervene (“Notice Of Applications”), which, among other things, set a deadline of April 17, 2008 for applications to intervene in this matter. No requests to intervene have been filed.

4. On April 25, 2008, the Commission issued an Order directing the Staff to file its Recommendation regarding the Application no later than May 23, 2008.

5. In the attached Memorandum (Appendix A), the Staff recommends that the Commission grant the Applicant a certificate of service authority to provide intrastate

interexchange and non-switched local exchange telecommunications services. Sections 392.430 and 392.440 RSMo provide that the Commission shall grant an application for a certificate of telecommunications service authority upon a finding that the grant of authority is in the public interest.

6. The Staff also recommends that the Commission classify the Applicant and the services it proposes to offer in its Application as competitive. The Commission may classify a telecommunications provider or its services as competitive if the Commission determines it is subject to sufficient competition to justify a lesser degree of regulation. (Section 392.361.4). All of the services a competitive company provides must be classified as competitive. (Section 392.361.3).

7. The Staff further recommends that the Commission: a) state in its order that, pursuant to Section 392.410, the authority conferred by the certificate of service authority shall be null and void unless it is exercised within one year of its issuance; and b) grant the interexchange and non-switched local exchange waivers listed in the Notice Of Applications. The Commission may waive the application of its rules and certain statutes if the Commission determines that waiver is consistent with the purposes of Chapter 392, Sections 392.185, 392.361.5 and 392.420.

WHEREFORE, the Staff recommends that the Commission issue an Order granting AGL Networks, LLC a certificate of service authority to provide intrastate interexchange and non-switched local exchange telecommunications services; granting the requested competitive classification; granting the standard interexchange and non-switched local exchange waivers listed in the Commission's Notice of Applications; and stating that the authority conferred by the

certificate shall be null and void unless exercised within a period of one year from the issuance thereof.

Respectfully submitted,

/s/ **Dennis L. Frey**

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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 29th day of April 2008.

/s/ **Dennis L. Frey**