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STEPHEN G. NEWMAN  
JOHN A. RUTH

July 15, 2004

**FILED**

JUL 15 2004

**Missouri Public  
Service Commission**

The Honorable Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102-0360

Re: Hierholzer Communications, Inc., d/b/a Andrew Communications

Dear Judge Roberts:

Please find enclosed for filing in the referenced matter the original and five copies of an Application.

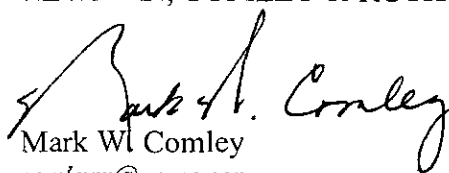
Would you please bring this application to the attention of the appropriate Commission personnel.

Please contact me if you have any questions regarding this filing. Thank you.

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:

  
Mark W. Comley  
comleym@ncrpc.com

MWC:ab

Enclosure

cc: Office of Public Counsel  
General Counsel's Office  
Judith A. Riley

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

**FILED**

JUL 15 2004

In the matter of the application of )  
Hierholzer Communications Inc. )  
d/b/a Andrew Communications )  
for a certificate of service authority to provide )  
interexchange and non-switched local )  
telecommunications services )

Case No.

**Missouri Public  
Service Commission**

**APPLICATION FOR CERTIFICATE OF SERVICE AUTHORITY  
TO PROVIDE INTEREXCHANGE AND NON-SWITCHED LOCAL  
TELECOMMUNICATIONS SERVICES**

Hierholzer Communications Inc., d/b/a Andrew Communications (Applicant), a Texas corporation, files this verified application respectfully requesting that the Missouri Public Service Commission (Commission) issue an order that:

- (a) grants Applicant a Certificate of Service Authority to provide interexchange and non-switched local telecommunications services pursuant to Chapter 392 of the Missouri Revised Statutes<sup>1</sup>;
- (b) grants competitive status to Applicant; and
- (c) waives certain Commission rules and statutory provisions pursuant to Section 392.420, RSMo.

Applicant believes that its proposed services will be subject to sufficient competition to justify a lesser degree of regulation.

In support of its application, Applicant states:

1. The legal name and principal office or place of business of the Applicant are:

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<sup>1</sup> All statutory references are to Revised Statutes of Missouri 2000, unless otherwise noted.

Hierholzer Communications Inc.  
4704 Jamestown Lane  
McKinney, TX 75071  
Telephone: (214) 733-8878

Applicant will do business in Missouri, and will offer its telecommunications services to subscribers, under the fictitious name of Andrew Communications. A copy of Applicant's Certificate of Authority from the Missouri Secretary of State to transact business in Missouri and its Registration of Fictitious Name are attached hereto in one exhibit as Exhibit I.

2. Correspondence or communications pertaining to this Application should be addressed to:

Mark W. Comley  
NEWMAN, COMLEY & RUTH P.C.  
601 Monroe Street, Suite 301  
P.O. Box 537  
Jefferson City, MO 65102  
(573) 634-2266  
(573) 636-3306 FAX  
comleym@ncrpe.com

AND

Brian Hierholzer  
Hierholzer Communications Inc.  
4704 Jamestown Lane  
McKinney, TX 75071  
(214) 733-8878

Following certification, the contact person for questions concerning the ongoing operations of Applicant will be the same as stated above.

3. Applicant proposes to provide intrastate, interexchange and non-switched local telecommunications services throughout the State of Missouri and therefore seeks statewide authority. A complete description of Applicant's services and rates is set forth in its Missouri Interexchange Telecommunications Tariff, attached hereto as Exhibit III. Applicant will provide interexchange and non-switched local telecommunications services to both residential and business customers in the state of Missouri through reseller agreements with facilities based national interexchange carriers.

4. Applicant is currently certificated and providing intrastate services in two states as well as interstate and international services. Applicant has the technical and managerial expertise to provide intrastate toll services within the State of Missouri. Summaries of the business and managerial experience of Applicant's principals are provided in Exhibit II attached. Applicant has not been denied authorization by any state.

5. Applicant has the financial soundness and ability to provide intrastate toll services within the State of Missouri. As a reseller, Applicant will not incur significant expense to serve the Missouri market. Moreover, Applicant has access to the financing and capital necessary to conduct its proposed telecommunications operations.

6. Applicant's proposed tariff is attached as Exhibit III. The proposed tariff contains the rules and regulations applicable to its customers, a description of the services offered, and a list of rates associated with such services. The tariff has a forty-five (45) day effective date, as required by 4 CSR 240-2.060(6)(C).

7. Applicant does not have a pending action or final unsatisfied judgment or decision against it from any state or federal agency or court which involves customer service or rates, within the past three (3) years.

8. Applicant hereby certifies that it has no overdue annual reports or assessment fees.

9. Applicant believes that granting the requested certificate is in the public interest for the following reasons:

(a) Applicant's proposed intrastate telecommunications services are developed to serve the long distance needs of subscribers who can not otherwise realize similar cost savings through major carriers.

(b) An increase in the traffic generated through provision of Applicant's

proposed intrastate services over existing major carriers' communications facilities will improve the efficiency and reduce major carriers' costs in provision of these services.

(c) The public will benefit from greater consumer choice created through the broadening of innovative telecommunications service alternatives and ongoing affordable rates maintained by the additional competitive pressure placed on other competitors.

(d) Local Exchange Carriers will realize greater access charge revenues through the increase in traffic utilizing local access.

11. Applicant requests classification as a competitive telecommunications company within the State of Missouri. Applicant believes that its proposed services will be subject to sufficient competition to justify a lesser degree of regulation. Granting of this application will allow greater price and service options for telecommunication users.

12. Applicant also requests, pursuant to Section 392.420, RSMo, that the Commission waive the application of the following rules and statutory provisions as it relates to the regulation of Applicant:

#### STATUTES

392.210.2	-	Uniform System of Accounts
392.240(1)	-	Just & Reasonable Rates
392.270	-	Ascertain Property Values
392.280	-	Depreciation Accounts
392.290	-	Issuance of Securities
392.300.2	-	Acquisition of Stock
392.310	-	Issuance of stock and debt
392.320	-	Stock dividend payment
392.330	-	Issuance of securities, debts & notes
392.340	-	Reorganizations

#### REGULATIONS

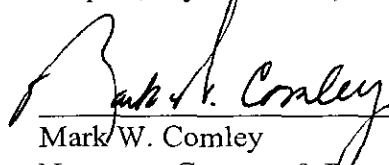
4 CSR 240-3.545(2)(C)	-	Rate schedules should be posted at central office
4 CSR 240-10.020	-	Depreciation fund income
4 CSR 240-30.040	-	Uniform system of accounts
4 CSR 240-33.030	-	Inform customers of lowest price

The rules and statutory provisions referenced above have been waived for other interexchange and non-switched local carriers in prior cases. These rules or statutory provisions are principally designed to apply to noncompetitive telecommunications carriers. It would be inconsistent with the goal and purpose of Section 386.530 to apply the above-referenced statutes and rules to a competitive telecommunications carrier such as Applicant.

13. Applicant, pursuant to Section 386.570, will comply with all applicable Commission rules except those which are specifically waived by the Commission pursuant to a request filed by the Applicant.

WHEREFORE, Applicant respectfully requests that the Missouri Public Service Commission grant it a certificate of service authority to provide interexchange and non-switched local telecommunications services within the State of Missouri. Applicant also requests classification as a competitive telecommunications company. In addition Applicant requests a waiver of the above-referenced rules and statutory provisions.

Respectfully submitted,

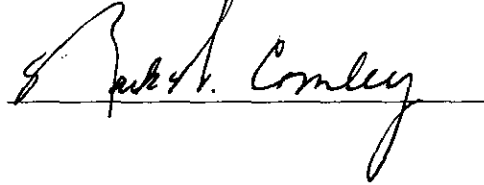


Mark W. Comley #28847  
NEWMAN, COMLEY & RUTH P.C.  
601 Monroe Street, Suite 301  
P.O. Box 537  
Jefferson City, MO 65102-0537  
(573) 634-2266  
(573) 636-3306 FAX

Attorneys for Hierholzer Communications Inc.  
d/b/a Andrew Communications

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent via e-mail on this 15<sup>th</sup> day of July, 2004, to General Counsel's Office at [gencounsel@psc.state.mo.us](mailto:gencounsel@psc.state.mo.us) and Office of Public Counsel at [opcservice@ded.state.mo.us](mailto:opcservice@ded.state.mo.us).

  
\_\_\_\_\_

**AFFIDAVIT**

STATE OF TEXAS )

COUNTY OF COLLIN )

ss.

Brian Hierholzer, being duly sworn, states that he is the President of Hierholzer Communications Inc., Applicant for a Certificate of Service Authority from the Missouri Public Service Commission to provide interexchange telecommunications services on a resale basis throughout the State of Missouri; that the information contained in the application and attachments are true and correct; that the reseller is familiar with and will comply with all applicable federal and state laws and the rules and orders of the Missouri Public Service Commission.

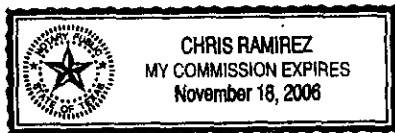
Dated this 17 day of May, 2004.

Hierholzer Communications Inc.

Brian Hierholzer  
Brian Hierholzer, President

Subscribed and sworn before me, this 17<sup>th</sup> day of May, 2004.

(Seal)



Chris Ramirez  
Notary Public

My Commission expires: 11-18-06



**ATTACHED EXHIBITS**

Exhibit	I	Certificate of Authority – Registration of Fictitious Name
Exhibit	II	Key Employees' Qualifications and Experience
Exhibit	III	Proposed Tariff

**EXHIBIT I**

**CERTIFICATE OF AUTHORITY  
REGISTRATION OF FICTITIOUS NAME**

## STATE OF MISSOURI



Matt Blunt  
Secretary of State  
CERTIFICATE OF AUTHORITY

WHEREAS,

*Hierholzer Communications Inc.*  
F00570163

using in Missouri the name

*Hierholzer Communications 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 Texas.

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 13th day of February, 2004.

A handwritten signature of Matt Blunt in black ink, written over a horizontal line.  
Secretary of State





File Number: 200419522401

X00598345

Date Filed: 07/13/2004

Matt Blunt

Secretary of State

State of Missouri

Matt Blunt, Secretary of State

Corporations Division  
P.O. Box 778 / 600 W. Main Street, Rm 322  
Jefferson City, MO 65102

## Registration of Fictitious Name

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

(Must be typed or printed)

This information is for the use of the public and gives no protection to the name being registered. There is no provision in this Chapter to keep another person or business entity from adopting and using the same name. (Chapter 417, RSMo)

The undersigned is doing business under the following name, and at the following address:

Business name to be registered: Andrew Communications

Business Address: 4704 Jamestown Lane

(P.O. Box alone not acceptable)

City, State and Zip Code: McKinney, TX 75071

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

Name of Owners, Individual or Business Entity	Street and Number	City and State	Zip Code	If listed, Percentage of ownership must equal 100%
Hierholzer Communications	4704 Jamestown Lane	McKinney, TX	75071	100%
, Inc.				
F00570163				

### In Affirmation thereof, the facts stated above are true:

(The undersigned understands that false statements made in this filing are subject to the penalties of a false declaration under Section 575.060 RSMo 1986.)

B-Hy, PRESIDENT  
(Authorized Signature)

BRIAN Hierholzer  
(Printed Name)

7/6/04  
(Date)

(Authorized Signature)

(Printed Name)

(Date)

(Authorized Signature)

(Printed Name)

(Date)

State of Missouri  
Fictitious Creation 1 Page(s)



T0419541801

#### FOR OFFICIAL USE ONLY

Check # \_\_\_\_\_

Amount: \_\_\_\_\_

Filer's Initials: \_\_\_\_\_

## **EXHIBIT II**

### **KEY EMPLOYEES' QUALIFICATIONS AND EXPERIENCE**

**BRIAN HIERHOLZER**, President and CEO, has been in telecommunications for the past 5 years, providing Interexchange service through Hierholzer Communications, in TX and KS for the last two years. He has an extensive knowledge base and has been a regional manager and a director of sales for two other companies prior to starting Hierholzer Communications Inc.  
4704 Jamestown Lane, McKinney, TX 75071  
214.592.0765

**KELLI HIERHOLZER**, Secretary, has handled billing, collections, and provisioning of Hierholzer Communications Inc. IXC services in KS and TX since 2002.  
4704 Jamestown Lane, McKinney, TX 75071  
214.592.0765

**EXHIBIT III**

**PROPOSED TARIFF**