

# CLEC Applications, Tariffs and Interconnection Agreements

Application for Certificate of Service Authority to Provide Competitive Basic Local Exchange Service (CLEC) on a Facilities and/or Resold Basis.

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Exhibit No. 10  
Case No(s) II-2004-1015  
Date 10-28-03 Rptr TL

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## SECTION II – Application Instructions

The following information may assist you in submitting a complete application.

**2.0 Public Interest Statement – 392.430 RSMo.** <http://www.moga.state.mo.us/statutes/c300-99/3920430.htm> and **392.440 RSMo.** <http://www.moga.state.mo.us/statutes/c300-399/3920440.htm>

Include in the application a statement explaining why granting the requested certificate is in the public interest.

**2.1 Proper Secretary of State Authorization – 4 CSR 240-2.060**

<http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-2.pdf>

The application must state that the Applicant has proper Secretary of State authorization.

Include as an exhibit:

- ♦ *If a Missouri corporation*, a Certificate of Good Standing from the Secretary of State;
- ♦ *If not a Missouri corporation*, a certificate from the Secretary of State that it is authorized to do business in Missouri;
- ♦ *If a partnership*, a copy of the partnership agreement; and/or
- ♦ *If the business will be conducted under a fictitious name*, submit a copy of the registration of the fictitious name with the Secretary of State.

**2.2 Pending action or final judgment – 4 CSR 240-2.060** <http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-2.pdf>

Include in the application a statement indicating whether the applicant has any pending action or final unsatisfied judgment or decisions against it from any state or federal agency or court which involves customer service or rates, which action, judgment or decision has occurred within 3 years of the date of application.

**2.3 Annual Reports and Assessment Fees – 4 CSR 240-2.060** <http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-2.pdf>

Include in the application a statement that no annual report or assessment fees are overdue.

**2.4 Services – 4 CSR 240-3.510 (1) (A)** <http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-3.pdf>

The Application should contain a request to be classified as a competitive telephone company and a description of how the Applicant intends to provide service (i.e., facilities based, resale, or both facilities and resale). For example, if service is being provided through “pure” resale, Staff would not expect to review a switched exchange access tariff. However, if the applicant indicates it is providing facilities based service, Staff will expect submittal of a switched exchange access tariff which should reference a different MoPSC number than the basic local service tariff. Applicant should request that all services be classified as competitive.

**2.5 Listing of Waivers**

Applications for basic local exchange telecommunications services should contain a listing of the waivers (392.420 RSMo <http://www.moga.state.mo.us/statutes/c300-399/3920420.htm>) of Missouri statutes and Commission rules that have been waived by the Commission. If additional waivers are requested, Staff will make further inquiries of Applicants during the review process. All requested waivers should also be listed in the associated tariff when submitted.

### Rule/Statute

392.210.2

392.240(1)

392.270

392.280

392.290

392.300.2

392.310

392.320

392.330

392.340

4 CSR 240-10.020

Uniform System of Accounts

Just & Reasonable Rates

Ascertain Property Values

Depreciation Accounts

Issuance of Securities

Acquisition of Stock

Issuance of stock and debt

Stock dividend payment

Issuance of securities, debts & notes

Reorganizations

Depreciation fund income

4 CSR 240-3.545 (2)(C)  
 4 CSR 240-30.040  
 4 CSR 240-3.500 (5) (C)  
 4 CSR 240-33.030

Rate schedules should be posted at central office  
 Uniform system of accounts  
 File exchange boundary maps with Commission  
 Inform customers of lowest price

**2.6 Technical, Managerial Resources and Abilities 392.455 RSMo** <http://www.moga.state.mo.us/statutes/c300-399/3920455.htm>

The Application should describe the technical and managerial abilities of Applicant, including any individual qualifications, in an exhibit. As this is a statutory requirement, failure to provide this information may result in a processing delay or application rejection.

**2.7 Financial Criteria - 392.455 RSMo (2)** <http://www.moga.state.mo.us/statutes/c300-399/3920455.htm>

An Application should contain twelve (12) months of historical financial statements to include a balance sheet and an income statement, and, on a pro forma basis, at least twelve (12) months of financial statements to include a balance sheet and an income statement. The financial data should reflect Missouri specific information; however, company-wide financial information may be substituted. As this is a statutory requirement, failure to provide this financial information may result in a processing delay or application rejection.

The financial information will be used in the following financial tests.

1. The applicant should have a debt to total capital ratio no greater than 62% and a pretax interest coverage of at least 2.3x.
2. The applicant should have a cash balance of four months operating expenses inclusive of interest expense and taxes.

**2.8 Geographic Area - 4 CSR 240-3.510 (1) (B)**

[HTTP://WWW.SOS.STATE.MO.US/ADRULES/CSR/CURRENT/4CSR/4C240-3.PDF](http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-3.pdf)

The Application should include a statement as to the geographic area in which Applicant proposes to provide service, identifying the Incumbent Local Exchange Carrier in that area. The areas follow the exchange boundaries of the incumbent and shall be no smaller than an exchange pursuant to Section 392.455(3) RSMo <http://www.moga.state.mo.us/statutes/c300-399/3920455.htm>.

**2.9 Separate and Distinct Service - 392.455 RSMo** <http://www.moga.state.mo.us/statutes/c300-399/3920455.htm>

The Application should include a statement that Applicant will offer basic local telephone service as a separate and distinct service.

**2.10 Equitable Access - 392.455 RSMo** <http://www.moga.state.mo.us/statutes/c300-399/3920455.htm>

The Application should include a statement that Applicant will give consideration to equitable access for all Missourians, regardless of where they live or their income, to affordable telephone services in the area proposed.

**2.11 Willingness to Comply with PSC Regulations - 392.455 RSMo** <http://www.moga.state.mo.us/statutes/c300-399/3920455.htm>

The Application should include a statement that Applicant is willing to comply with PSC regulations and is willing to meet all relevant service standards including, but not limited to billing, quality of service and the filing and maintaining of tariffs.

**2.12 Tariff Filing Requirement - 4 CSR 240-3.510 (1) (C)** <http://www.sos.state.mo.us/adrules/csr/current/4csr/4c240-3.pdf>

The Application may include a statement requesting a temporary waiver of the requirement that an application for a certificate of service authority to provide basic local exchange service shall include a proposed tariff with a forty-five (45) day effective date.