

# NEWMAN, COMLEY & RUTH

PROFESSIONAL CORPORATION  
ATTORNEYS AND COUNSELORS AT LAW  
MONROE BLUFF EXECUTIVE CENTER  
601 MONROE STREET, SUITE 301  
P.O. BOX 537  
JEFFERSON CITY, MISSOURI 65102-0537  
www.ncrpc.com

TELEPHONE: (573) 634-2266  
FACSIMILE: (573) 636-3306

ROBERT K. ANGSTEAD  
MARK W. COMLEY  
CATHLEEN A. MARTIN  
STEPHEN G. NEWMAN  
JOHN A. RUTH

January 9, 2004

FILED<sup>2</sup>

JAN 09 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: FamilyTel of Missouri, LLC

Dear Judge Roberts:

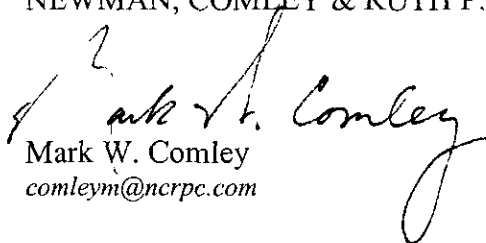
Enclosed for filing please find the original and five copies of an Application. Would you please bring this filing to the attention of the appropriate Commission personnel.

Please contact me if there are any questions concerning this filing. Thank you very much.

Sincerely,

NEWMAN, COMLEY & RUTH P.C.

By:

  
Mark W. Comley  
comleym@ncrpc.com

MWC:ab

Enclosure

cc: Office of Public Counsel  
General Counsel's Office  
Mark Hendricks

**FILED<sup>2</sup>**

JAN 09 2004

Missouri Public  
Service Commission

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

**In the matter of the Application of  
FamilyTel of Missouri, LLC for a  
Certificate of Service Authority to  
Provide Competitive Interexchange  
Telecommunications Services**

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Case No. \_\_\_\_\_

**APPLICATION**

FamilyTel of Missouri, LLC, a Missouri limited liability company, pursuant to Sections 392.410, 392.420, 392.430, and 392.440 RSMO1994<sup>1</sup>, and 4 CSR 240-2.060, hereby 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 telecommunications services pursuant to Chapter 392 of the Missouri Revised Statutes;
- (b) grants competitive status to Applicant pursuant to Sections 392.361 and 392.410; and
- (c) waives certain Commission rules and statutory provisions pursuant to Section 392.420.

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

Applicant currently holds a Certificate of Authority to operate as a reseller of basic local exchange telecommunications services in Missouri. See Case No. TA-2002-357 (August 16, 2002). In support of its request, Applicant states:

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

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

FamilyTel of Missouri, LLC  
2900 Louisville Avenue  
Monroe, LA 71201  
Telephone: (318) 325-9100  
Facsimile: (318) 387-8440

A copy of Applicant's Certificate of Good Standing from the Missouri Secretary of State is attached hereto as Exhibit A.

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 65102-0537  
Telephone: 573.634.2266  
Fax: 573.636.3306  
comleym@ncrpc.com

AND

Mark Hendricks  
FAMILYTEL OF MISSOURI, LLC  
2900 Louisville Avenue  
Monroe, Louisiana 71201  
Telephone: 318-325-9100 x2290  
Facsimile: 318-387-8440  
MHendricks@familytel.com

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 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 B. Applicant intends to offer such services by reselling services obtained from existing certificated telecommunications providers or by and through its

own facilities when they are available. Service will be available 24 hours a day, seven days a week, where facilities permit.

4. Applicant possesses the managerial and technical ability to provide interexchange telecommunications services in Missouri. Applicant's operations will be directed by a team of professional, technical, and operations personnel, many of whom have significant experience in providing telecommunications service. Applicant provides as Exhibit C brief biographies of its key management and technical personnel each of whom are also officers in HomeTel, Inc., Applicant's corporate parent. As a wholly owned subsidiary of HomeTel, Inc., Applicant will have the benefit of the experience and expertise of each of these officers who hold positions in FamilyTel that are identical to their positions with HomeTel, Inc.

5. Applicant is financially qualified to provide interexchange telecommunications services in 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 interexchange tariff is being filed simultaneously with this Application and is attached hereto as Exhibit B. The proposed tariff contains the rules and regulations applicable to its customers, a description of the services offered, and a list of the 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 requests classification as a competitive telecommunications company operating within the state of Missouri pursuant to Sections 392.361 and 392.420. Applicant further requests classification of services described in its Tariff as competitive services pursuant to Section 392.361, with accompanying reduced regulation. 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 telephone users.

8. Applicant also requests, pursuant to Section 392.420, that the Commission waive the application of the following rules and statutory provisions as they relate to the regulation of Applicant. The following list identifies Commission rules and statutes previously waived by the Missouri Commission for other competitive telecommunications companies:

#### 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 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.

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

by Applicant. Applicant will not unjustly discriminate among its customers; such discrimination is prohibited pursuant to Section 392.200.

12. Applicant does not have any pending actions or unsatisfied judgments or decisions against it from any state or federal agency or court involving customer service or rates, which action, judgment or decision has occurred within three (3) years of this application.

13. Applicant's 2002 Annual Report as a Competitive Local Exchange Carrier was not timely filed and Applicant filed its motion for leave to file the report out of time on January 7, 2004. Otherwise, it does not have any overdue annual reports or assessment fees.

WHEREFORE, Applicant respectfully requests that the Missouri Public Service Commission grant it a certificate of service authority to provide interexchange telecommunications services within the State of Missouri. Applicant also requests classification as a competitive telecommunications company and its proposed services as competitive services. In addition, Applicant requests a waiver of the above-referenced rules and statutory provisions. As demonstrated in this application, FamilyTel of Missouri, LLC is legally, financially, and technical qualified to provide services in Missouri. In light of the foregoing, Applicant submits that the public interest would be served by the expeditious grant of a Certificate of Service Authority to provide such services.

Respectfully submitted,

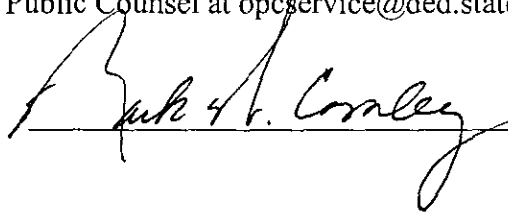


Mark W. Comley #28847  
Newman, Comley & Ruth P.C.  
601 Monroe Street, Suite 301  
P.O. Box 537  
Jefferson City, MO 65102-0537  
Telephone: (573) 634-2266  
Facsimile: (573) 636-3306

Attorneys for Applicant, FamilyTel of  
Missouri, LLC

Certificate of Service

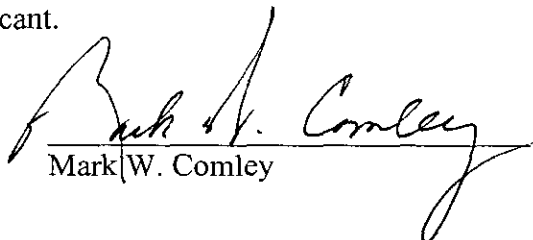
I hereby certify that a true and correct copy of the above and foregoing document was sent via e-mail on this 9<sup>th</sup> day of January, 2004, to General Counsel's Office at [gencounsel@psc.state.mo.us](mailto:gencounsel@psc.state.mo.us) and Office of Public Counsel at [opcservice@ded.state.mo.us](mailto:opcservice@ded.state.mo.us).



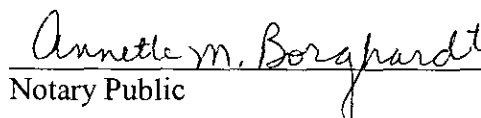
ATTORNEY VERIFICATION

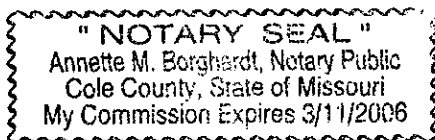
STATE OF MISSOURI     )  
                                  ) ss.  
COUNTY OF COLE     )

I, Mark W. Comley, being first duly sworn, do hereby certify, depose and state that I am the attorney for FamilyTel of Missouri, LLC, applicant in this proceeding; that I have read the above and foregoing Application and the allegations therein contained are true and correct to the best of my knowledge, information and belief; and I further state that I am authorized to verify the foregoing application by the above said applicant.

  
Mark W. Comley

Subscribed and sworn to before me, a Notary Public, this 9<sup>th</sup> day of January, 2004.

  
Notary Public





**EXHIBIT A**

**Certificate of Good Standing**

# STATE OF MISSOURI



Matt Blunt  
Secretary of State


## CORPORATION DIVISION CERTIFICATE OF GOOD STANDING

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

**FAMILYTEL OF MISSOURI L.L.C.**  
**LC0043707**

was created under the laws of this State on the 13th day of October, 2000, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I have set my hand and an imprinted the GREAT SEAL of the State of Missouri, on this, the 9th day of January, 2004

  
Secretary of State



Certification Number: 6336792-1 Page 1 of 1 Reference:

Verify this certificate online at <http://www.sos.mo.gov/business/verification/>

**EXHIBIT B**

**Tariff**

**EXHIBIT C**

**Biographies of Key Management and Technical Personnel**

**Brad Warden** is President of HomeTel, Inc., RTO Superstore and Babers Electronics. Mr. Warden has over twenty years of business experience including varying management positions. Mr. Warden owns operates and manages rent to own stores in three states and is the chief executive officer of ten competitive local exchange telephone companies (wholly owned subsidiaries of HomeTel, Inc. including FamilyTel of Missouri, LLC) providing local, long distance and wireless telecommunications services to more than 14,000 customers in five states.

**Jay Warden** is Vice President – Marketing and Sales of HomeTel, Inc. Mr. Warden has over forty years of sales, marketing and executive management experience in broadcast communications and retail sales. Mr. Warden is the father of Brad Warden, President of HomeTel, Inc.

**Paul Hargrove** is Vice President – Finance and Business Development of HomeTel, Inc. Mr. Hargrove has over twenty years of telecommunications experience. Mr. Hargrove is a Certified Member of the Institute for Professionals in Taxation, Chairman of the Tax and Finance Council of the Louisiana Association of Business and Industry and is a member of numerous civic, professional and industry associations. He most recently served as Tax Manager for CenturyTel where he directed large staff and was responsible for all aspects of tax policy, planning, research and compliance. Mr. Hargrove is a graduate of the University of Louisiana at Monroe with a BBA degree in accounting and a minor in government.

**Mark Hendricks** is Vice President – Operations of HomeTel, Inc. Mr. Hendricks has over twenty years of telecommunications experience including varying positions in accounting, revenue assurance, access billing and regulatory affairs. He most recently served as a Manager in the Regulatory Affairs department for CenturyTel where directed a small staff and was responsible for reporting to various state regulatory commissions and the National Exchange Carriers Association. Mr. Hendricks is a graduate of the University of Louisiana at Monroe with a BBA degree in accounting.