

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

In the Matter of the Application of Common Point, LLC,        )  
for Certificate of Service Authority to Provide Local         )  
Exchange and Interexchange Telecommunications            )  
Services throughout the State of Missouri and to Classify    )  
the Company as Competitive.                                        )  
**Case No. LA-2009-0278**

**ORDER APPROVING INTEREXCHANGE AND NONSWITCHED LOCAL  
EXCHANGE CERTIFICATE OF SERVICE AUTHORITY**

Issue Date: March 18, 2009

Effective Date: March 28, 2008

This order grants Common Point, LLC, a certificate of service authority to provide interexchange and nonswitched local exchange telecommunications services, restricted to providing dedicated private line services.

Common Point, LLC, applied to the Missouri Public Service Commission on January 27, 2009, for a certificate of service authority to provide intrastate interexchange and nonswitched local exchange telecommunications services in Missouri under Sections 392.410, RSMo Supp. 2008, through 392.450, RSMo 2000.<sup>1</sup> Common Point filed first and second amended applications on February 6, 2009, and March 4, 2009, respectively. Common Point asked the Commission to classify it as a competitive company and to waive certain statutes and rules as authorized by Sections 392.361 and 392.420. Common Point is a Illinois limited liability company with its principal office located at 3130 Pleasant Run, Springfield, Illinois 62707.

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<sup>1</sup> All statutory references are to the Revised Statutes of Missouri (RSMo), revision of 2000, unless otherwise indicated.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on January 28, 2009, directing parties wishing to intervene to file their requests by February 12, 2009. No requests for intervention were filed.

Common Point requested a temporary waiver of 4 CSR 240-3.510(1)(C), which requires that an application for a certificate of service authority include a proposed tariff with a 45-day effective date. Common Point stated that it will file a tariff before providing service.

Common Point intends to provide interexchange and nonswitched local exchange telecommunications services. Specifically, Common Point will provide tandem access to subtending wireless and local exchange carriers.

In its Memorandum filed on March 10, 2009, the Staff of the Commission recommended that the Commission grant Common Point a certificate of interexchange service authority and a certificate of service authority for local exchange telecommunications service on condition that this authority be restricted to providing dedicated private line services. Staff recommended that the Commission grant Common Point competitive status, and waiver of the statutes and rules listed in the Second Amended Application. Staff noted Common Point did not submit a tariff with its application, and that 4 CSR 240-3.510(1)(C) states that an applicant cannot lawfully provide service until tariffs are effective.

The Commission finds that competition in the intrastate interexchange and nonswitched local exchange telecommunications markets is in the public interest and Common Point shall be granted certificates of service authority. The Commission finds that

the services Common Point proposes to offer are competitive and Common Point shall be classified as a competitive company. The Commission finds that waiving the statutes and Commission rules set out in the ordered paragraph below is reasonable and not detrimental to the public interest. In addition, the waivers requested have previously been granted to a competitive company in Commission File No. TE-2009-0169.

The Commission reminds the company that failure to comply with its regulatory obligations may result in the assessment of penalties against it. These regulatory obligations include, but are not limited to, the following:

A) The obligation to file an annual report, as established by Section 392.210, RSMo 2000. Failure to comply with this obligation will make the utility liable to a penalty of \$100 per day for each day that the violation continues. 4 CSR 240-3.540 requires telecommunications utilities to file their annual report on or before April 15 of each year.

B) The obligation to pay an annual assessment fee established by the Commission, as required by Section 386.370, RSMo 2000.

C) The obligation to comply with all relevant laws and regulations, as well as orders issued by the Commission. If the company fails to comply, it is subject to penalties for noncompliance ranging from \$100 to \$2,000 per day of noncompliance, pursuant to Section 386.570, RSMo 2000.

D) The obligation to keep the Commission informed of its current address and telephone number.

Furthermore, the company is reminded that, if it is a corporation, nonattorneys may not represent the company before the Commission. Instead, the corporation must be represented by an attorney licensed to practice law in Missouri.

In addition, the company is reminded that Section 392.410.5, RSMo Supp. 2008, renders the company's certificate of service authority null and void one year from the date of this order unless it has exercised its authority under that certificate.

**THE COMMISSION ORDERS THAT:**

1. Common Point, LLC, is granted a certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri, subject to all applicable statutes and Commission rules except as specified in this order.

2. Common Point, LLC, is granted a certificate of service authority to provide nonswitched local exchange telecommunications services in the state of Missouri, limited to providing dedicated private line services, subject to all applicable statutes and Commission rules except as specified in this order.

3. The certification granted herein is conditioned upon the company's compliance with the regulatory obligations in this order.

4. Common Point, LLC, is classified as a competitive telecommunications company. Application of the following statutes and regulatory rules shall be waived:

**Statutes**

- 392.210.2 - uniform system of accounts
- 392.240.1 - rates-rentals-service & physical connections
- 392.270 - valuation of property (ratemaking)
- 392.280 - depreciation accounts
- 392.290 - issuance of securities
- 392.300 - transfer of property and ownership of stock
- 392.310 - stock and debt issuance
- 392.320 - stock dividend payment
- 392.330 - issuance of securities, debts and notes
- 392.340 - reorganization(s)

**Commission Rules**

- 4 CSR 240-3.550(4) - records of applications
- 4 CSR 240-3.550(5)(A) - quality of service quarterly report
- 4 CSR 240-10.020 - depreciation fund income
- 4 CSR 240-30.040 - uniform system of accounts
- 4 CSR 240-32.060 - engineering and maintenance
- 4 CSR 240-32.070 - quality of service
- 4 CSR 240-32.080 - service objectives and surveillance levels
- 4 CSR 240-33.040(1)-(3) and (5)-(10) - billing and payment standards
- 4 CSR 240-33.045 - customer bills
- 4 CSR 240-33.080(1) - company name for billing disputes
- 4 CSR 240-33.130(1), (4), and (5) - operator service

5. Common Point, LLC, is advised that the grant of authority contained in this order is not, by itself, sufficient to permit it to lawfully provide telecommunications services in Missouri. Specifically, Common Point cannot lawfully provide telecommunications services until it has a tariff in effect for such services. When Common Point submits such a tariff, it shall do so by filing a non-case tariff submission. The tariff submission shall not be filed in this case.

6. This order shall become effective on March 28, 2009.

7. This case may be closed on March 29, 2009.

( S E A L )

Nancy Dippell, Deputy Chief Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 18th day of March, 2009.

**BY THE COMMISSION**



Colleen M. Dale  
Secretary