

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

In the Matter of the Application of IntelePeer, Inc. )  
for Certificates of Service Authority to Provide )  
Resold and Facilities-Based Local Exchange ) **File No. LA-2010-0170**  
and Interexchange Telecommunications Services )  
in the State of Missouri and to Classify Those )  
Services and the Company as Competitive )

**STAFF RECOMMENDATION**

COMES NOW the Staff of the Missouri Public Service Commission and for its recommendation, states as follows:

1. On December 4, 2009, IntelePeer, Inc. (“the Company”) applied for certificate of service authority to provide basic local telecommunications service and interexchange service and for competitive classification.

2. On January 5, 2010 the Company, in order to establish the sufficiency of its financial resources, submitted the affidavit of Mr. Andre Simone, in which Mr. Simone attests that the Company possesses sufficient financial resources to provide basic local exchange telecommunications services in Missouri, has not defaulted on any financial obligations in the past three years and has access to sufficient financial resources. Based on that submission, the Staff believes that the Company possesses sufficient financial resources and supports the grant of the requested waiver of the relevant filing requirements. The Staff recommends that the Commission waive the filing requirements of 4 CSR 240-3.510(1)(D) and accept in lieu thereof Mr. Simone’s affidavit.

3. In the attached Memorandum, labeled Appendix A, the Staff recommends that the Commission grant the Company’s request for basic local telecommunications and interexchange

service authority. 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. §§ 392.430 and 392.440 RSMo 2000.

4. Staff also recommends that the Commission classify the Company's services 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 and that such lesser regulation is consistent with the protection of ratepayers and promotes public interest. §392.361.4. RSMo Supp. 2008. A majority of the services a competitive company provides must be classified as competitive. §392.361.3. RSMo Supp. 2008.

5. The Staff further recommends that the Commission 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.

6. The Staff notes that the Company has not submitted tariffs; it recommends that the Commission state in its Order that the Company may not provide telecommunications service in the State of Missouri until effective tariffs are on file with the Commission.

7. The Applicant is not delinquent in filing an annual report, paying the PSC assessment, MoUSF, and Relay Missouri.

8. The Staff recommends that the application be granted with the following conditions:

a. The applicant's originating and terminating access rates shall not exceed the access rates of the incumbent local exchange company against whom the applicant is competing pursuant to Sections 392.361.6 and 392.370 RSMo.

b. If the directly competing ILEC, in whose service area the applicant is operating, decreases its originating and/or terminating access service rates, the applicant shall file an appropriate tariff amendment to reduce its

originating and/or terminating access rates in the directly competing ILEC's service area within 30 days of the directly competing ILEC's reduction of its originating and/or terminating access rates in order to maintain the cap.

WHEREFORE, Staff recommends that the Commission grant IntelPeer, Inc.'s Application for basic local telecommunications and interexchange service authority and to classify the company and its services as competitive.

Respectfully submitted,



Colleen M. Dale  
Senior Counsel  
Missouri Bar No. 31624  
Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-4255 (Telephone)  
[cully.dale@psc.mo.gov](mailto:cully.dale@psc.mo.gov)

### **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 1<sup>st</sup> day of February, 2010.



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

In the Matter of the Application of )  
IntelePeer, Inc. for Certificates of Service ) Case No. LA-2010-0170  
Authority to Provide Resold and Facilities- )  
Based Local Exchange and Interexchange )  
Telecommunications Services. )

**AFFIDAVIT OF Sara Buyak**

STATE OF MISSOURI            )  
  ) ss:  
COUNTY OF COLE            )

Sara Buyak employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that she has participated in preparing the accompanying staff recommendation, and that the facts therein are true and correct to the best of her knowledge and belief.

  
SARA BUYAK

Subscribed and affirmed before me this 28<sup>th</sup> day of January 2010.

  
NOTARY PUBLIC

CARLA K. SCHNIEDERS  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for Cole County  
My Commission Expires: August 25, 2012  
Commission Number: 08533187