

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

In the Matter of the Application of WiMacTel,)	
Inc. for a Certificate of Service Authority to Provide)	
Basic Local Exchange, Non-switched Local)	File No. LA-2010- 0172
Exchange and Interexchange Telecommunications)	Tariff No. YL-2011-0313
Services in the State of Missouri and to Classify)	YL-2011-0314
Said 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 16, 2010, WiMacTel, Inc. (“the Company”) applied for a certificate of service authority to provide basic local, non-switched local and interexchange telecommunications service and for competitive classification.

2. The Application included sufficient information for the Staff to conclude that the Company possesses sufficient financial, technical and managerial resources to be certificated. In addition, the Staff notes that granting the requested waivers complies with §392.420 RSMo 2009.

3. In the attached Memorandum, labeled Appendix A, the Staff recommends that the Commission grant the Company’s request for basic local, non-switched local and interexchange telecommunications 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. 2009. A majority of the services a competitive company provides must be classified as competitive. §392.361.3 RSMo Supp. 2009.

5. The Staff further recommends that the Commission state in its order that, pursuant to §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. Tariffs were submitted that meet the requirements of all applicable statutes, as more fully set forth in Appendix A. The Staff recommends that the Commission either approve the tariffs or allow them to take effect by operation of law.

7. The Staff recommends that the requested waivers, listed in the Notice, be granted, with the exception of 4 CSR 240-3.550(C), with which the Company's tariffs already comply (and which should not be waived in either case). The Company shall list the waivers in its tariff as long as the waivers are effective.

8. The Company requests a waiver of 4 CSR 240-4.020(2), but that provision does not apply to Application matters such as this. First, the provision applies only to regulated entities, which the Applicant is not yet. Second, the provision applies only to those cases likely to be contested. Application cases are almost never contested. Therefore, the Staff recommends that the Commission ignore both the provision and the request to waive it as inapplicable.

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

10. 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 §§ 392.361.6 and 392.370 RSMo Supp. 2009.

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, the Staff recommends that the Commission grant WiMacTel, Inc.'s Application for basic local, non-switched local and interexchange telecommunications service authority under the conditions described above, classify the company and its services as competitive, approve the requested waivers, except 4 CSR 240-3.550(C), and either approve the submitted tariffs or allow them to take effect by operation of law.

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

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 14th day of January, 2011.

