

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

In the Matter of the Application of Teleport
Communications America, LLC to Expand its
Certificate of Basic Local Exchange
Telecommunications Service Authority

ORDER GRANTING APPLICATION

Issue Date: November 22, 2013

Effective Date: November 22, 2013

The Missouri Public Service Commission is granting the application, with conditions recommended by Staff, to expand the basic local telecommunications service territory of Teleport Communications America, LLC (“applicant”).

I. Procedure

Applicant is a Delaware limited liability company. Applicant filed the application on November 1, 2013. On November 5, 2013, the Commission issued notice and set a deadline for motions to intervene. The Commission received no motion to intervene. Staff filed its *Staff Recommendation* on November 22, 2013. Staff recommends granting the application subject to conditions set forth below. No law requires a hearing,¹ so this action is not a contested case² and the Commission need not separately state its findings of fact.

II. Certification

Applicant asks that the Commission expand the service territory of applicant to certain exchanges, and Staff recommends that the service territory be expanded to include the entire State. The Commission finds and concludes that the public interest supports

¹ State ex rel. Rex Deffenderfer Ent., Inc. v. Public Serv. Comm'n, 776 S.W.2d 494, 496 (Mo. App., W.D. 1989).

² Section 536.010(4), RSMo Supp. 2012.

Staff's recommendation.³ Therefore, the Commission will expand the service territory of applicant to the entire State.

III. Competitive Classification

Applicant asks the Commission to classify applicant and its services as competitive. The Commission finds that the relevant market competition is in the public interest, and that the services that applicant proposes to offer are competitive.⁴ Therefore, the Commission will classify applicant and its services as competitive.

IV. Waivers

Applicant asks the Commission to waive certain statutes and regulations. The Commission finds and concludes that waiving the statutes and regulations set out in the ordered paragraphs below is not detrimental to the public interest.⁵ Therefore, the Commission will waive those provisions of law.

V. Other Matters

The Commission reminds the applicant 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 obligation to:

THE COMMISSION ORDERS THAT:

1. Applicant's application, for an expanded certificate of service authority to provide basic local exchange authority, is granted subject to all applicable statutes and Commission regulations except as specified in this order.

³ Sections 392.430, RSMo 2000.

⁴ Sections 392.420 and 392.361.3 and .4, RSMo Supp. 2012.

⁵ Sections 392.245.5(8) and 392.361, RSMo Supp. 2012.

- 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. 2012.
- 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.
- c. Applicant shall undertake all necessary measures to ensure its contracts with underlying carriers do not contain provisions preventing delivery of traffic to any telephone exchange area of Missouri. Such measures shall include but shall not be limited to:
 - 1) Prevention of call blocking and/or call gapping based on the cost of traffic termination,
 - 2) Preventing the alteration or stripping of Calling Party Number identification, and
 - 3) Ensuring sufficient network capacity exists to process all traffic according to industry accepted practices.

2. Applicant is classified as a competitive telecommunications company and applicant's services are classified as competitive.

3. The following provisions of law are waived.

RSMO

392.210.2 Accounting requirements (system of accounts)

392.240.1 Reasonableness of rates

392.270 Accounting requirements (valuation of property)

392.280 Accounting requirements (depreciation rates/accounts)

392.290 Issuance of stocks, bonds and other indebtedness

392.300 Transfer of property and ownership of stock

392.310 Approval of issuing stocks, bonds and other indebtedness

392.320 Certificate of Commission to be recorded-stock dividends

392.330 Accounting requirements (proceeds of sales of stock, bonds, notes, etc.)

392.340 Company reorganization

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3.520 Applications to sell or transfer assets

3.525 Applications to merge or consolidate

3.530 Applications to issue stocks, obtain loans

3.535 Applications to acquire stock

3.545(8)(C) Listing of Waivers in Tariff

3.550 Telco Records and Reports (except (5)(B), (D) and (E))

3.555 Residential Customer Inquiries

3.560 Procedure for Ceasing Operations

10.020 Depreciation Records

30.020 Residential Telephone Underground Systems

30.040 Uniform System of Accounts

32.010 General Provisions

32.040 Metering, Inspections and Tests

32.050 Customer Services

32.060 Engineering and Maintenance

32.070 Quality of Service

32.080 Service objectives and surveillance levels

32.090 Connection of equipment and Inside Wiring

32.100 Provision of Basic Local and Interexchange Services

32.130-170 Prepaid Calling Cards (except 32.140 and 32.150(1))

32.180-190 Caller ID blocking requirements

33.010 Service and Billing Practice General Provisions

33.040 Billing and Payment standards

33.045 Clear identification and placement of charges on bills

33.050 Deposits

33.060 Residential Customer Inquiries

33.070 Discontinuance of service

33.080 Disputes by Residential Customers

33.090 Settlement agreements with residential customers

33.130 Operator service requirements

33.140 Payphone requirements (except (2))

33.150 "Anti-slamming" requirements

33.160 Customer Proprietary Network Information

4. This order shall become effective on November 22, 2013.
5. This file shall close on November 23, 2013.



BY THE COMMISSION

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Daniel Jordan, Senior Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 22nd day of November, 2013.