

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of PEG)
Bandwidth IL, LLC, for Certificate of Service)
Authority to Provide Basic Local Exchange,) File No. LA-2015-0162
Non-Switched Local Exchange and)
Interexchange Telecommunications Services) Tracking No. YL-2015-0249
in the State of Missouri and to Classify Said)
Services and the Company as Competitive)

ORDER GRANTING APPLICATION

Issue Date: February 19, 2015

Effective Date: March 13, 2015

The Missouri Public Service Commission is granting the application, with conditions recommended by Staff, and is approving the tariff.

I. Procedure

Applicant filed the application,¹ the tariff,² and a supplement to the application.³ The Commission issued notice of the application and set a deadline for motions to intervene,⁴ but the Commission received no motion to intervene. Staff filed its recommendation⁵ in favor of granting the application subject to conditions set forth below. On an unopposed application, no law requires a hearing,⁶ so this action is not a contested case⁷ and the Commission need not separately state its findings of fact. Those

¹ Electronic Filing and Information System ("EFIS") No. 1, *Application*, January 12, 2015.

² EFIS No. 3, tariff sheet, January 27, 2015.

³ EFIS No. 4, *Supplement to Application*, January 30, 2015.

⁴ EFIS No. 2, *Notice and Order Directing Filing*, January 13, 2015.

⁵ EFIS No. 5, *Staff Recommendation*, February 10, 2015.

⁶ *State ex rel. Rex Deffenderfer Ent., Inc. v. Public Serv. Comm'n*, 776 S.W.2d 494, 496 (Mo. App., W.D. 1989).

⁷ Section 536.010(4), RSMo Cum. Supp. 2013.

circumstances also constitute good cause for an effective date less than 30 days from issuance.⁸

II. Certification and Tariff

Applicant asks that the Commission certify applicant as described in the caption of this order, and the Commission concludes that the public interest supports granting that request.⁹ Applicant also asks that the Commission approve the tariff, and the Commission concludes that the tariff is just and reasonable.¹⁰ Therefore, the Commission will grant the authority requested in the application and approve the tariff.

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.¹¹ Therefore, the Commission will classify applicant and its services as competitive.

IV. Waivers

Applicant has requested exemption from certain statutes and notified the Commission of its intent to be exempt from certain regulations. The statutes provide those waivers and exemptions on request.¹² Therefore, those exemptions and waivers are granted.

⁸ Sections 386.490.3 and 393.140(11), RSMo 2000.

⁹ Sections 392.430, RSMo 2000.

¹⁰ Section 392.200.1, RSMo Cum. Supp. 2013.

¹¹ Section 392.361.1, RSMo Cum. Supp. 2013.

¹² Sections 392.420, RSMo Cum. Supp. 2013; and 392.461, RSMo Noncum. Supp. 2014.

THE COMMISSION ORDERS THAT:

1. The application is granted.
2. Applicant is granted a certificate of service authority to provide basic local telecommunications, non-switched local, and interexchange service. The grant of authority is conditioned upon the following.
 - a. The applicant's originating and terminating access rates shall not exceed the access rates of the incumbent local exchange company ("ILEC") against whom the applicant is competing pursuant to §§ 392.361.6 and 392.370 RSMo Supp. 2013. 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.
 - b. The Applicant will 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 include but are not 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.

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

4. The exemptions and waivers provided by law upon request are granted.

5. The tariff assigned tracking no. YL-2015-0249 is approved to become effective on March 13, 2015. The specific tariff approved is:

P.S.C. Mo. No. 1

6. This order shall become effective on March 13, 2015.

7. This file shall close on March 14, 2015.

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 19th day of February, 2015.