

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

In the Matter of the Application of)	
Wide Voice, LLC for Certificate of)	
Service Authority to Provide Basic Local)	<u>File No. LA-2015-0255</u>
Exchange, Non-Switched Local Exchange and)	Tariff No. YL-2015-0296
Interexchange Telecommunications Services)	
in the State of Missouri and to Classify Said)	
Services and the Company as Competitive)	

**ORDER GRANTING CERTIFICATES TO PROVIDE BASIC LOCAL
EXCHANGE, NON-SWITCHED LOCAL EXCHANGE, AND INTEREXCHANGE
TELECOMMUNICATIONS SERVICES AND APPROVING TARIFF**

Issue Date: April 24, 2015

Effective Date: May 17, 2015

This order grants certificates of service authority to provide basic local exchange, non-switched local exchange, and interexchange telecommunications services in the state of Missouri, classifies those services and the company as competitive, waives certain statutes and regulations, and approves a proposed tariff.

On April 2, 2015, Wide Voice, LLC ("Wide Voice") filed an application with the Missouri Public Service Commission ("Commission"), requesting that the Commission issue an order granting it a certificate of service authority to provide basic local exchange, non-switched local exchange, and interexchange telecommunications services in the state of Missouri, and to classify Wide Voice and its proposed services as competitive. Wide Voice seeks certification to provide those services throughout all exchanges in the state of Missouri. Wide Voice is authorized to do business in Missouri by the Missouri Secretary of State.

On April 3, 2015, the Commission issued an *Order Directing Notice of Application for Certificate of Service Authority, Setting Intervention Deadline, and Directing Filing of Staff*

Recommendation, directing parties wishing to intervene to file their requests by April 16, 2015. No applications to intervene were received. On April 22, 2015, the Staff of the Commission recommended that the requested certificates, classifications and waivers be granted subject to certain conditions, which Wide Voice has already accepted in its application.

The Commission may grant an application for a certificate of service authority to provide telecommunications service upon a showing that the applicant has met the statutory requirements,¹ and that the grant of authority is in the public interest.² Based on the verified application and Staff's uncontested recommendation, the Commission finds that Wide Voice satisfies the requirements for certification and that granting such certificates is in the public interest.

Wide Voice also requests that it and its services be classified as competitive and that the application of certain statutes and regulatory rules be waived. The Commission may classify a telecommunications service as competitive if the Commission determines that the applicant is subject to a sufficient degree of competition to justify a lesser degree of regulation.³ The Commission may only classify a telecommunications carrier as competitive if a majority of its services are so classified.⁴ The Commission may waive the application of certain statutes and of its rules to a competitive carrier if it determines that such waiver is consistent with the purposes of Chapter 392.⁵

The Commission finds that the intrastate interexchange market is competitive and that the interexchange services Wide Voice will offer are subject to competition. The

¹ See Sections 392.450, 392.451 and 392.455, RSMo 2000. All statutory references, unless otherwise specified, are to the Revised Statutes of Missouri (RSMo), revision of 2000.

² Sections 392.430 and 392.440.

³ Section 392.361.2.

⁴ Section 392.361.3.

⁵ See Sections 392.185, 392.361.5 and 392.420.

Commission finds that Wide Voice will be subject to a sufficient level of competition to justify a lesser degree of regulation. Furthermore, all of the services Wide Voice will offer are qualified for classification as competitive services.

The Commission may waive certain statutes and administrative rules for competitively classified carriers “if such waiver or modification is otherwise consistent with the other provisions of Section 392.361 to 392.520 and the purposes of this chapter.”⁶ The Commission has developed a standard list of statutes and regulations that it waives for competitive local exchange and interexchange carriers. The Commission finds that the waiver of those statutes and regulations is consistent with the purposes of Chapter 392, and will waive those provisions for Wide Voice.

The Commission may also require a telecommunications company to comply with any conditions reasonably necessary to protect the public interest. Staff recommends that Wide Voice’s application be granted subject to certain restrictions regarding switched access rates. These conditions are routinely recommended by Staff, and Wide Voice has accepted them in its application. The conditions proposed by Staff are necessary to protect the public interest and will be adopted.

In addition, the Staff recommends that the Commission specifically condition certification on Wide Voice ensuring that calls to certain areas are not unnecessarily blocked, which is also known as “call gapping”. The Commission may impose conditions on telecommunications companies if those conditions are reasonable and necessary to protect the public interest.⁷ As a telecommunications company operating in Missouri, Wide Voice will have a duty to “receive, transmit and deliver, without discrimination or delay, the

⁶ Sections 392.361.5 and 392.420.

⁷ Sections 392.470.1 and 392.361.6.

conversations and messages of every other telecommunications company with whose facilities a connection may have been made.”⁸ Since the Commission finds that the condition is a reasonable and necessary action to protect the public interest, the certificate will be conditioned on the provision described in the ordered paragraph below.

Section 392.410.5, RSMo Supp. 2013, provides that Wide Voice’s certificate of service authority becomes null and void one year from the date of this order unless Wide Voice has exercised its authority under that certificate.

Wide Voice also filed a proposed tariff as part of its application with an effective date of May 17, 2015. Since Staff states in its recommendation that the proposed tariff complies with the Commission’s requirements, the Commission will approve the tariff.

THE COMMISSION ORDERS THAT:

1. Wide Voice, LLC is granted a certificate of service authority to provide basic local exchange, non-switched local exchange, and interexchange telecommunications services in the state of Missouri throughout all exchanges, subject to the conditions and recommendations contained in the Staff’s Recommendation.
2. Wide Voice, LLC and its services are granted competitive classification.
3. Originating and terminating access rates for Wide Voice, LLC shall not exceed the access rates of the incumbent local exchange company against whom Wide Voice, LLC is competing pursuant to Sections 392.361.6 and 392.370, RSMo.
4. If the directly competing incumbent local exchange carrier, in whose service area Wide Voice, LLC is operating, decreases its originating or terminating access service rates, Wide Voice, LLC shall file an appropriate tariff amendment to reduce its originating or

⁸ Section 392.200.6.

terminating access rates in the directly competing incumbent local exchange carrier's service area within 30 days of the directly competing incumbent local exchange carrier's reduction of its originating or terminating access rates in order to maintain the cap.

5. Application of the following statutes and Commission rules is waived:

Statutes

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

Commission Rules

4 CSR 240-3.520	Applications to sell or transfer assets
4 CSR 240-3.525	Applications to merge or consolidate
4 CSR 240-3.530	Applications to issue stocks, obtain loans
4 CSR 240-3.535	Applications to acquire stock
4 CSR 240-3.545(8)(C)	Listing of Waivers in Tariff
4 CSR 240-3.550	Telco Records and Reports (except (5)(B), (D) and (E))
4 CSR 240-3.555	Residential Customer Inquiries
4 CSR 240-3.560	Procedure for Ceasing Operations
4 CSR 240-10.020	Depreciation Records
4 CSR 240-30.020	Residential Telephone Underground Systems
4 CSR 240-30.040	Uniform System of Accounts
4 CSR 240-32.010	General Provisions
4 CSR 240-32.040	Metering, Inspections and Tests
4 CSR 240-32.050	Customer Services
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 240-32.090	Connection of equipment and Inside Wiring
4 CSR 240-32.100	Provision of Basic Local and Interexchange Services
4 CSR 240-32.130-170	Prepaid Calling Cards (except 32.140 and 32.150(1))
4 CSR 240-32.180-190	Caller ID blocking requirements
4 CSR 240-33.010	Service and Billing Practice General Provisions
4 CSR 240-33.040	Billing and Payment standards
4 CSR 240-33.045	Clear identification and placement of charges on bills

- 4 CSR 240-33.050 Deposits
- 4 CSR 240-33.060 Residential Customer Inquiries
- 4 CSR 240-33.070 Discontinuance of service
- 4 CSR 240-33.080 Disputes by Residential Customers
- 4 CSR 240-33.090 Settlement agreements with residential customers
- 4 CSR 240-33.130 Operator service requirements
- 4 CSR 240-33.140 Payphone requirements (except (2))
- 4 CSR 240-33.150 "Anti-slamming" requirements
- 4 CSR 240-33.160 Customer Proprietary Network Information

6. The certification granted herein is conditioned upon Wide Voice, LLC's compliance with the regulatory obligations set out in this order. In addition, the certification is conditioned on Wide Voice, LLC undertaking 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, prevention of call blocking and/or call gapping based on the cost of traffic termination; preventing the alteration or stripping of calling party number identification; and ensuring sufficient network capacity exists to process all traffic according to industry-accepted practices.

7. Wide Voice, LLC's proposed tariff, assigned tariff tracking number YL-2015-0296, is approved to become effective on May 17, 2015. The tariff sheets approved are:

Missouri Tariff No. 1
Original Page 1 to Original Page 84

8. This order and Wide Voice, LLC's certificates shall become effective on May 17, 2015.

9. This file may be closed on May 18, 2015.

BY THE COMMISSION



A handwritten signature in dark ink, reading "Morris L. Woodruff".

Morris L. Woodruff
Secretary

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

Dated at Jefferson City, Missouri,
on this 24th day of April, 2015.