

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

In the Matter of the Application of IntelPeer, Inc.)
for Certificates of Service Authority to Provide)
Resold and Facilities-Based Local Exchange)
and Interexchange Telecommunications Services)
in the State of Missouri and to Classify Those)
Services and the Company as Competitive)

File No. LA-2010-0170

**ORDER GRANTING CERTIFICATES OF SERVICE AUTHORITY FOR
INTEREXCHANGE AND BASIC LOCAL EXCHANGE**

Issue Date: February 2, 2010

Effective Date: February 12, 2010

The Missouri Public Service Commission is approving IntelPeer, Inc.'s ("IntelPeer") application for certificates of service authority ("certificates") to provide interexchange and basic local exchange telecommunications services, for classification as a competitive company, and for waiver of certain statutes and regulations as authorized by Sections 392.361 and 392.420, RSMo Supp. 2009.

IntelPeer is a Delaware corporation with its principal office located at 2855 Campus Drive, Suite 200, San Mateo, CA 94403. IntelPeer intends to provide interexchange and basic local exchange telecommunications services. IntelPeer filed its application with the Commission on December 4, 2009, for certificates of service authority to provide intrastate interexchange and basic local exchange telecommunications services in Missouri under Sections 392.410 through 392.450, RSMo. IntelPeer's application seeks classification as a competitive company, and lists the waivers requested. IntelPeer filed no proposed tariff in conjunction with its application.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on December 7, 2009. The notice directed persons

wishing to intervene to file their requests by December 22, 2009. No requests for intervention were filed.

In its Memorandum filed on February 1, 2010, the Staff of the Commission recommended that the Commission grant IntelPeer's application, issue IntelPeer the certificates, grant IntelPeer competitive status, and waive the statutes and regulations listed in the Notice.

The Commission finds that competition in the intrastate interexchange and non-switched local exchange telecommunications markets is in the public interest and IntelPeer shall be granted the certificates. The Commission finds that the services IntelPeer proposes to offer are competitive and IntelPeer shall be classified as a competitive company. The Commission finds that waiving the statutes and Commission regulations set out in the ordered paragraph below is reasonable and not detrimental to the public interest.

The Commission reminds the company that failure to comply with regulatory obligations may result in the assessment of penalties. These regulatory obligations include, but are not limited to, the following:

A) The obligation to file an annual report, as established by Section 392.210, RSMo 2000. Failure to comply with this obligation will make the utility liable to a penalty of \$100 per day for each day that the violation continues. 4 CSR 240-3.540 requires telecommunications utilities to file their annual report on or before April 15 of each year.

B) The obligation to pay an annual assessment fee established by the Commission, as required by Section 386.370, RSMo 2000.

C) The obligation to comply with all relevant laws and regulations, as well as orders issued by the Commission. If the company fails to comply, it is subject to penalties for noncompliance ranging from \$100 to \$2,000 per day of noncompliance, pursuant to Section 386.570, RSMo 2000.

D) The obligation to keep the Commission informed of its current address and telephone number.

E) The obligation to have a tariff in effect before providing services.

Further, the company is reminded that, if it is a corporation, non-attorneys may not represent the company before the Commission. Instead, the corporation must be represented by an attorney licensed to practice law in Missouri.

In addition, the company is reminded that Section 392.410.5, RSMo Supp. 2009, renders the company's certificate of service authority null and void one year from the date of this order unless it has exercised its authority under that certificate.

THE COMMISSION ORDERS THAT:

1. IntelPeer, Inc. is granted a certificate of service authority to provide intra-state interexchange telecommunications services in the state of Missouri, subject to all applicable statutes and Commission regulations except as specified in this order.

2. IntelPeer, Inc. is granted a certificate of service authority to provide basic local exchange telecommunications services in the state of Missouri subject to all applicable statutes and Commission regulations except as specified in this order.

3. The certification granted herein is conditioned upon IntelPeer, Inc.'s compliance with the regulatory obligations in this order.

4. IntelPeer, Inc.'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 Sections 392.361.6 and 392.370, RSMo Supp. 2009.

5. 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.

6. IntelPeer, Inc. is classified as a competitive telecommunications company.

Application of the following statutes and regulations shall be waived:

Statutes

392.210.2
392.240.1
392.270
392.280
392.290
392.300.2
392.310
392.320
392.330
392.340

Regulations

4 CSR 240-3.510(1)(D)
4 CSR 240-3.550(5)(C)
4 CSR 240-10.020
4 CSR 240-30.040

7. This order shall become effective on February 12, 2010.
8. This file may close on February 13, 2010.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

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

Dated at Jefferson City, Missouri,
on this 2nd day of February, 2010.