

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

In the Matter of the Application of Spectrotel, Inc.)	
d/b/a Touch Base Communications for Certificates)	<u>File No. LA-2012-0169</u>
of Service Authority to Provide Basic Local,)	Tariff No. YL-2012-0242
Intrastate Interexchange and Non-Switched)	Tariff No. YL-2012-0243
Local Exchange Telecommunications Services in)	Tariff No. YL-2012-0244
the State of Missouri and to Classify said Services)	
as Competitive)	

**ORDER GRANTING CERTIFICATES TO PROVIDE
BASIC LOCAL, NONSWITCHED LOCAL, AND INTEREXCHANGE
TELECOMMUNICATIONS SERVICES AND APPROVING TARIFFS**

Issue Date: January 4, 2012

Effective Date: January 13, 2012

This order grants certificates of service authority to provide basic local, nonswitched local, and interexchange telecommunications services in the state of Missouri, classifies those services and the company as competitive, waives certain statutes and regulations, and approves the company's tariffs.

On November 29, 2011, Spectrotel, Inc. d/b/a Touch Base Communications ("Company") applied for certificates of service authority with the Missouri Public Service Commission ("Commission") to provide basic and nonswitched local exchange, as well as interexchange telecommunications services within the state of Missouri, and for competitive classification. The Company seeks certification to provide interexchange service throughout the state and basic local service and non-switched local exchange services throughout all exchanges in the state for all incumbent local exchange companies. The Company is authorized to do business in Missouri by the Missouri Secretary of State.

On December 1, 2011, the Commission issued an Order Directing Notice of Application for Certificate of Service Authority and Setting Intervention Deadline, directing parties wishing to intervene to file their requests by December 16, 2011. No applications to intervene were received. On December 30, 2011, the Staff of the Commission recommended that the requested certificates, classifications and waivers be granted.

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 the Company satisfies the requirements for certification and that granting such certificates is in the public interest.

The Company 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 all 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

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, 392.361.3 and 392.420.

The Commission finds that the intrastate interexchange market is competitive and that the interexchange services the Company will offer are subject to competition. In addition, the Company will compete with incumbent local exchange carriers, as well as other competitive local exchange carriers in the exchanges in which it provides basic local telecommunications service. The Commission finds that the Company will be subject to a sufficient level of competition to justify a lesser degree of regulation. Furthermore, all of the services the Company 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 the Company.

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

Along with its application, the Company submitted proposed basic local, local exchange, and interexchange tariffs. The Company filed revised tariff pages on

⁶ Sections 392.361.5 and 392.420.

December 21, 2011. The effective date of the proposed tariffs is January 13, 2012. Staff recommends that the tariffs be approved. The Commission finds that the Company's proposed tariffs should be approved to become effective on January 13, 2012.

The Commission places the Company on notice that failure to comply with certain obligations pursuant to law may result in penalties assessed against the Company. These 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 for a penalty of \$100 per day for each day that the violation continues. Rule 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, under Section 386.570, RSMo 2000.
- D) The obligation to keep the Commission informed of its current address and telephone number.

The Company is reminded that its officers may not represent it before the Commission. The Company must be represented by an attorney licensed to practice law in Missouri. In addition, Section 392.410.5, RSMo Cum. Supp. 2010, provides that the

Company's certificate of service authority becomes null and void one year from the date of this order unless the Company has exercised its authority under that certificate.

The Commission notes that before providing telecommunications services in Missouri, a party shall possess the following: (1) an interconnection agreement approved by the Commission; (2) except for wireless providers, a certificate of service authority from the Commission to provide interexchange or basic local telecommunications services; and (3) except for wireless providers, a tariff approved by the Commission.

THE COMMISSION ORDERS THAT:

1. Spectrotel, Inc. d/b/a Touch Base Communications is granted a certificate of service authority to provide basic local telecommunications services throughout the State of Missouri in all exchanges, subject to the conditions and recommendations contained in the Staff's Memorandum.

2. Spectrotel, Inc. d/b/a Touch Base Communications is granted certificates of service authority to provide nonswitched local exchange and interexchange telecommunications services in the state of Missouri

3. Spectrotel, Inc. d/b/a Touch Base Communications and its services are granted competitive classification.

4. Originating and terminating access rates for Spectrotel, Inc. d/b/a Touch Base Communications will be no greater than the lowest Commission-approved corresponding access rates in effect for each incumbent local exchange carrier within whose service area the Company seeks authority to provide service, unless authorized by the Commission pursuant to Section 392.220 and 392.230, RSMo.

5. If the directly competing incumbent local exchange carrier, in whose service area Spectrotel, Inc. d/b/a Touch Base Communications is operating, decreases its originating or terminating access service rates, the Company shall file an appropriate tariff amendment to reduce its originating or 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.

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

- 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
- 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

7. The following tariff, assigned file number YL-2012-0242, is approved, as amended, to become effective on January 13, 2012:

PSC Mo. No. 1
Original Title Page to Original Sheet 89

8. The following tariff, assigned file number YL-2012-0243, is approved to become effective on January 13, 2012:

PSC Mo. No. 2
Original Title Page to Original Sheet 62

9. The following tariff, assigned file number YL-2012-0244, is approved to become effective on January 13, 2012:

PSC Mo. No. 3
Original Title Page to Original Sheet 24

10. The certification granted herein is conditioned upon the company's compliance with the regulatory obligations set out in this order.

11. This order and the Company's certificates shall become effective on January 13, 2012.

12. This file may be closed on January 14, 2012.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

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

Dated at Jefferson City, Missouri,
on this 4th day of January, 2012.