

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

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| In the Matter of the Application of |) | |
| Lattice Incorporated for Certificate of |) | |
| Service Authority to Provide Competitive |) | File No. XA-2013-0506 |
| Intrastate Interexchange Telecommunications |) | |
| Services including Operator Services |) | |
| Within the State of Missouri |) | |

APPLICATION

COMES NOW Lattice Incorporated ("Lattice"), by its undersigned counsel, and pursuant to Sections 392.245.5 (8), 392.361, 392.410, 392.420, 392.430, 392.440 and 392.450 RSMo., the Federal Telecommunications Act of 1996, 4 CSR 240-2.060 and 4 CSR 240-3.510, and files this verified Application requesting that the Missouri Public Service Commission (hereinafter, "the Commission") issue an order: (a) granting Certificate of Service Authority to provide competitive intrastate interexchange telecommunication services, including operator services, between and among locations within the State of Missouri; (b) granting competitive status to Applicant and Applicant's requested services; and (c) waiving certain Commission rules and statutory provisions pursuant to Sections 392.420, 392.361 and 392.245.5 (8), RSMo, consistent with the Commission's past treatment of other certificated providers of competitive telecommunications services. In support of its Application, Applicant provides the following information:

1. Lattice was incorporated in May 1973, under the laws of the State of Delaware. The legal name and principal office or place of business of the applicant is:

Lattice Incorporated
7150 N. Park Drive, Suite 500
Pennsauken, New Jersey 08109
Phone: (856) 910-1166
Fax: (856) 910-1811
Web URL: www.latticeincorporated.com
Email: info@latticeincorporated.com

Applicant is qualified to transact business in the State of Missouri. A certificate of authority as a foreign corporation to transact business in the State of Missouri, **Exhibit I** to this Application, will be late-filed and should be incorporated herein by reference.

Copies of correspondence, communications and orders and decisions of the Commission should be sent to the following:

William D. Steinmeier
William D. Steinmeier, P.C.
2031 Tower Drive
Jefferson City, MO 65109
Phone: 573-659-8672
Fax: 573-636-2305
Email: wds@wdspsc.com

With a copy to:

Robin Norton, Consultant
Technologies Management, Inc.
2600 Maitland Center Parkway, Suite 300
Maitland FL, 32751
Phone: 407-740-3004
Fax: 407-740-0613
Email: rnorton@tminc.com

2. The name and address of Applicant's registered agent in the State of Missouri is:

National Registered Agents, Inc.
300 B East Hight Street
Jefferson City, MO 65101

3. With this Application, Lattice proposes to provide automated operator-assisted

collect and prepaid calling services to inmates and other incarcerated persons in confinement institutions throughout the State of Missouri. Lattice will provide correctional and confinement institutions with sophisticated equipment that permits inmates and other incarcerated persons to make outgoing calls without the assistance of a live operator. Lattice's systems provide a number of controls and restrictions that serve to reduce or eliminate fraudulent use of telephone systems. These restrictions also provide the correctional institution with increased control over the use of the telecommunications services by inmates confined within. Lattice's telephone instruments are placed in detention areas such as cell blocks or day rooms. Each instrument is connected to a central control unit which restricts and controls calls placed by inmates. Lattice's system and services allow inmates and other incarcerated persons to remain in contact with family, friends and other associates while still providing facility administrators with the necessary control over inmate communications.

Automated collect or prepaid calls may be placed by inmates within the confinement facility. These calls are backhauled over public or private broadband facilities to Lattice's centrally located equipment, located in Philadelphia, Pennsylvania, then routed to the PSTN. Lattice's system is designed so that calls are completed only to those called parties who specifically accept the charges for a call. Equipment utilized by Lattice requires a positive response from the called party before the connection is established and billing can begin.

In addition to call processing, Lattice's systems offer restrictive call blocking and screening. These features provide the correctional facility with the maximum degree of control over telecommunications services and help to minimize fraud. Call blocking prevents calls to directory assistance, "0-", 800 numbers, pay-per-call services, and

emergency numbers (including 911) in order to reduce prank calls and fraudulent use of long distance services. Access to other interexchange carriers is also denied. Call screening serves to eliminate harassing or threatening calls to individuals such as judges, sheriffs, witnesses or jury members. These two features also allow the institution to enforce telephone curfews (without manual intervention) by pre-setting the hours during which the system will process calls from a given telephone instrument.

Lattice does not offer presubscribed services and therefore does not assign telephone numbers. Lattice's institutional calling services are for the use of inmates and other incarcerated persons in confinement institutions who place calls to family members, attorneys, bail bondsmen, or any other individuals the inmate is permitted to contact, subject to restrictions imposed by the correctional facility management personnel.

4. With this application, Lattice proposes to provide automated operator assisted calling services to inmates of confinement institutions throughout the State of Missouri. All services will be offered twenty-four (24) hours per day, seven (7) days a week originating and terminating throughout the State of Missouri.
5. Lattice possesses managerial and technical expertise to provide resale interexchange and operator assisted telecommunications services throughout the State of Missouri.
6. Lattice possesses the financial ability to provide the requested services.
7. Lattice requests classification as a competitive telecommunications company operating within the State of Missouri. Lattice further requests classification of services described in their tariff as competitive services.
8. Applicant will offer automated operator-assisted calling services to inmates in confinement institutions within the State of Missouri. Applicant proposes to conduct

its operator services pursuant to 4 CSR 240-33.130, except as such do not apply to institutional calling services. Specifically:

- * All calls are branded before call charges are incurred.
- * Rates, billing method and complaint resolution procedures are disclosed upon request. This service is available at no charge, 24 hours per day.
- * Applicant is identified on the end user bill.
- * No location surcharges are collected by Applicant for intrastate Missouri calls.

Applicant uses reliable answer detection techniques and Applicant will not knowingly charge for incomplete calls. If for any reason a caller believes he or she has been charged for an uncompleted call, Applicant will issue credit for the charges under all reasonable circumstances.

9. Applicant respectfully requests, pursuant to Sections 392.420, 392.361 and 392.245.5 (8), RSMo, that the Commission suspend or waive the application of the following rules and statutory provisions as they relate to the regulation of the applicant:

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 |

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| 392.330 | - | be Recorded – Stock Dividends Accounting Requirements (Proceeds of Sales of Stock, Bonds, Notes, etc.) |
| 392.340 | - | Company Reorganization(s) |

COMMISSION RULES:

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| 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 <i>except for (5)(B),(D) and (E)</i> | - | Telco Records and Reports |
| 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 <i>Except 32.140 and 32.150(1)</i> | - | Prepaid Calling Cards |
| 4 CSR 240-32.180-190 | - | Caller ID Blocking Requirements |

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| 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 |
| <i>except (2)</i> | | |
| 4 CSR 240-33.150 | - | "Anti-Slamming" Requirements |
| 4 CSR 240-33.160 | - | Customer Proprietary Network |
| | | Information |

10. Pursuant to 4 CSR 240-3.510(1)(C), Lattice submits with this Application its proposed tariff (**Exhibit II**). Lattice's tariff contains the rules and regulations applicable to users of its service, a description of the services offered, and a list of rates associated with such services.
11. Applicant will not unjustly discriminate among its customers, which discrimination is prohibited pursuant to Section 392.200, RSMo.
12. Lattice does not have any pending actions or final unsatisfied judgments or decisions against it from any state or federal agency or courts which involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of this application.
13. Applicant has no annual reports or regulatory assessment fees that are overdue in Missouri.
14. Applicant submits that the public interest will be served by Commission approval of this Application because Applicant's proposed services will create and enhance

competition and expand service options in the correctional calling industry.

WHEREFORE, Applicant, Lattice Incorporated, respectfully requests the Commission to issue an order: (a) granting it certificate of service authority to offer competitive intrastate interexchange telecommunication services, including operator services, within the state of Missouri; (b) classifying Applicant and Applicant's proposed services as competitive; (c) granting the requested waivers of aforesaid statutes and regulations; and (d) including such further orders as the Commission deems appropriate.

Respectfully submitted,

/s/ William D. Steinmeier

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ATTORNEY FOR APPLICANT
Lattice Incorporated

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been served electronically on the Office of Public Counsel at opcservice@ded.mo.gov and on the Commission's General Counsel's office at staffcounsel@psc.mo.gov this 31st day of May 2013.

/s/ William D. Steinmeier

William D. Steinmeier

VERIFICATION

(Filed separately as pdf document.)

**APPLICATION OF
LATTICE INCORPORATED**

Exhibit I

Certificate of Authority to Transact Business in Missouri

(To Be Late-Filed)

**APPLICATION OF
LATTICE INCORPORATED**

Exhibit II

Proposed Tariff

(Filed separately as pdf document.)