

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

In the Matter of the Application of Midwest Data )  
Center, Inc. for a Certificate of Service to provide ) Case No. \_\_\_\_\_  
Local Exchange Telecommunications )  
Services in the State of Missouri )

**APPLICATION FOR CERTIFICATE OF SERVICE AUTHORITY TO PROVIDE  
BASIC LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES IN MISSOURI**

Comes now Midwest Data Center, Inc., ("Company" or "Applicant"), pursuant to Sections 392.361, 392.410, 392.420, 392.430, 392.440, 392.45 and 392.455, RSMo, and 4 CSR 240-2.060 and 240-3.510, and in support of its Application for a certificate of service authority to provide local exchange telecommunications services throughout the State of Missouri and to classify said services as competitive, states to the Missouri Public Service Commission ("Commission") as follows:

1. Midwest Data Center, Inc. is a corporation duly organized and existing under and by virtue of the laws of Missouri. Its headquarters and principal place of business are located at 214 S. Main Street, Rock Port, Missouri 64482, and its telephone number is 660-744-5343. A copy of the Applicant's Certificate of Good Standing from the Missouri Secretary of State's Office is attached as **Appendix A**.

2. All inquiries, correspondence, communications, pleadings, notices, orders, and decisions relating to the case should be addressed to:

W.R. England, III  
Brian T. McCartney  
Brydon, Swearengen & England P.C.  
312 East Capitol Avenue  
P.O. Box 456  
Jefferson City, MO 65102-0456  
Email: [trip@brydonlaw.com](mailto:trip@brydonlaw.com)  
[bmccartney@brydonlaw.com](mailto:bmccartney@brydonlaw.com)

With a copy to:

Terri K. Firestein  
Sr. Director  
CCG Consulting  
10806 Garrison Hollow Rd.  
Clear Spring, MD 21722  
Telephone: 301-788-6889  
Email: tfireccg@myactv.net

3. Applicant intends to provide an array of voice, broadband and data service solutions to customers in Missouri as a facilities-based telecommunications provider including but not limited to local exchange and hosted Internet Protocol ("IP") PBX services. Applicant plans to offer residential and business access line service, Calling Features, Directory Assistance, Directory Services, 911 Services, and Operator Services.

4. The Commission may grant Applicant a certificate of service authority to provide local exchange telecommunications service if the Commission finds such authority to be in the public interest. Approval of this Application will serve the public interest because Midwest Data Center, Inc.'s proposed Services are consistent with the public interest and with the legislative goals set forth in the Federal Telecommunications Act of 1996 and Chapter 392 RSMo. Approval of this Application will expand the availability of innovative, high quality, and reliable telecommunications and broadband services within the State of Missouri and create and enhance competition and expand customer service options.

5. Midwest Data Center, Inc. seeks classification of itself and its services as competitive. Applicant submits that the services it intends to provide are subject to sufficient competition to justify competitive classification and promote the public interest

as per Section 392.361. Expeditious grant of this Application will further competition and allow Applicant to compete with other companies, consistent with the Commission's policies and the legislative goals set forth in the Federal Telecommunications Act of 1996 and Chapter 392 RSMo. As Applicant's proposed services will expand the availability of innovative, high quality, and reliable telecommunications and broadband services within the state of Missouri, all the services by which Applicant proposes to provide should be designated as competitive, and Midwest Data Center, Inc. should be designated as a competitive telecommunication company.

6. Applicant will not unjustly discriminate among its customers as is prohibited by Section 392.200 RSMo. Applicant will comply with all applicable Commission rules, other than those which are specifically waived by the Commission. Additionally, Applicant agrees that its service area shall be no smaller than an exchange. Consistent with the Commission's treatment of other certificated competitive local telecommunications carriers, Applicant requests that the following statutes and regulations be waived with respect to its telecommunications service offerings:

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

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

7. Applicant will satisfy the minimum standards established by the Commission.

8. Applicant does not have any pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates; which action, judgment, or decision has occurred within three (3) years of the date of this application. Additionally, Applicant does not have any overdue annual reports or assessment fees due the Missouri Public Service Commission.

9. Applicant elects to provide its retail service terms and conditions and rates by means of an Applicant provided website. The URL is [www.mwdata.net/tariff](http://www.mwdata.net/tariff) and accordingly Applicant requests a waiver of 4 CSR 240-3.545 as allowed by §392.461 RSMo.

10. Notwithstanding the provisions of Section 392.500, RSMo., as a condition of certification and competitive classification, Applicant agrees that, unless otherwise ordered by the Commission, its originating and terminating switched access rates will be no greater than the lowest Commission-approved corresponding access rates in effect for each incumbent Local Exchange Carrier ("LEC") within whose service area it provides service.

11. Applicant requests authority to offer service throughout Missouri but specifically will launch its proposed service in the exchanges of Tarkio, Mound City, Fairfax, Craig, Maryville and Grant City. These exchange areas follow the exchange boundaries of the incumbent LEC and are no smaller than an exchange as defined by the exchange boundary maps found in associated incumbent LEC Tariffs.

12. Applicant will offer local telecommunications service as a separate and distinct service and will give equitable access to all Missourians, regardless of where they live or their income, to affordable telecommunications services.

13. Applicant states that it will undertake all necessary measures to ensure its contracts with other companies and carriers do not contain provisions preventing delivery of traffic to any telephone exchange area, and 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.
- Ensuring sufficient network capacity exists to process all traffic according to industry accepted practices.

14. Midwest Data Center, Inc. affirms it possesses the necessary technical, financial and managerial resources and abilities to provide the requested services. **See Appendix B** – resume summaries of senior managerial and industry experience. Applicant and its parent company, affiliates, and principals have not defaulted on any financial obligations within the last three (3) years. Applicant affirms it has access to capital sufficient for the start-up operations. Applicant's affiliate, Rock Port Telephone Company, is an incumbent local exchange carrier and has been providing service in its certificated area for 49 years. Rock Port Telephone Company has filed annual reports with the Commission for most if not all of those years.

WHEREFORE, Midwest Data Center, Inc. respectfully requests that the Commission grant it a certificate of service authority as a competitive local exchange telecommunications service carrier to provide local telecommunication services as herein requested, grant competitive status to Applicant and Applicant's requested services, grant a waiver of the aforesaid statues and regulations set forth in this Application, and grant such other relief as the Commission deems appropriate.

Respectfully submitted,

**/s/ Brian T. McCartney**

Brian T. McCartney, MBN 47788

W.R. England, III, MBN 23975

Brydon, Swearngen & England P.C.

312 East Capitol Avenue

P.O. Box 456

Jefferson City, MO 65102-0456

Phone: 573/635-7166

Fax: 573/634-7431

E-mail: [bmccartney@brydonlaw.com](mailto:bmccartney@brydonlaw.com)

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was delivered by first class mail, electronic mail or hand delivery, on this 30<sup>th</sup> day of July, 2014, to the following parties:

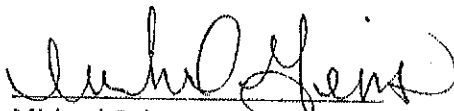
General Counsel  
Missouri Public Service Commission  
PO Box 360  
Jefferson City, MO 65102

Office of Public Counsel  
PO Box 7800  
Jefferson City, MO 65102

VERIFICATION

STATE OF MISSOURI)  
COUNTY OF ATCHISON)

I, Michael Goins, being first duly sworn, depose and state that I am the General Manager of Midwest Data Center, Inc., the Applicant in the subject proceeding; that I have read the foregoing Application and know the contents thereof; and that the same is true and correct to the best of my knowledge, information, and belief.



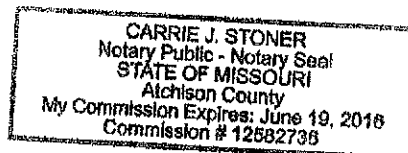
Michael Goins, General Manager  
Midwest Data Center, Inc.

Subscriber and sworn to before me this 26 day of June, 2014



Notary Public

My Commission Expires: 6/19/2016





**APPENDIX A**

MISSOURI SECRETARY OF STATE CERTIFICATE OF GOOD STANDING

# STATE OF MISSOURI



Jason Kander  
Secretary of State

**CORPORATION DIVISION  
CERTIFICATE OF GOOD STANDING**

I, JASON KANDER, Secretary of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

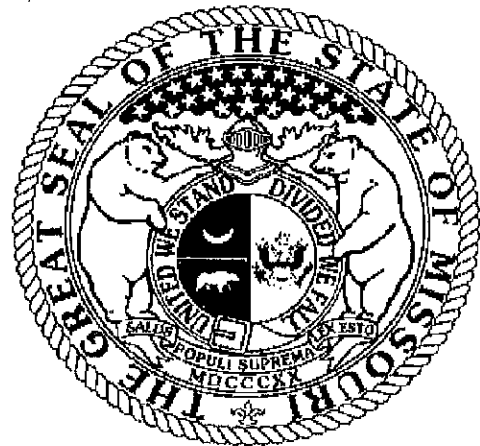
**MIDWEST DATA CENTER, INC  
00516666**

was created under the laws of this State on the 6th day of January, 2003, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 17th day of June, 2014

A handwritten signature in cursive script that reads "Jason Kander".

Secretary of State



**APPENDIX B**

RESUME SUMMARIES OF SENIOR MANAGERIAL AND INDUSTRY EXPERIENCE

## **APPENDIX B**

### **Michael Goins, General Manager**

Michael Goins is the General Manager of Midwest Data Center, a wholly owned subsidiary of Rock Port Telephone Company. As General Manager, Michael has lead his team of 30 IT professionals in developing a service portfolio that includes:

- Managed Business Continuity Services
- Software as Services
- Managed Security Services
- Cloud based VOIP Services
- Application Development

Michael has over 15 years of extensive IT industry experience and possesses many certifications including: Microsoft Certified Systems Engineer, Certified Information Systems Security Professional, Linux Certified Engineer, and Certified Novell Administrator.

Prior to joining Midwest Data Center, Michael worked for Waddell and Reed, a financial services company, where he deployed one of the industry's first SEC compliant email systems, enabling over 1300 financial professionals to securely communicate with their clients. He also worked for the Department of Energy Honeywell Plant where he was charged with replacing expensive, outdated SGI high performance computing clusters with Linux Beowulf Clusters to be used for 3D scientific modeling. While there he was also involved with the redesign of the Storage Area Network and Fiber Channel Fabric.

### **Raymond Henagan, Manager and CEO**

Raymond Henagan, Manager and CEO of Rock Port Telephone and Midwest Data Center, Rock Port, MO, has over 40 years of telephone experience. Prior to joining Rock Port, he served as Vice President and General Manager of Cameron Communications Corporation in Sulphur, LA. He has executive management experience in regulated telephone operations, cable television, internet, long distance, wireless operations, and data storage and security.

He is the Chairman of the board of the National Exchange Carriers Association; serves on the Board of Directors for the Rural Telephone Finance Cooperative and Telcom Insurance.

He is a graduate of McNeese State University in Lake Charles, LA with a BS in Accounting. In addition to his corporate activities, he is active in the community and places a strong emphasis on providing rural communities, schools and hospitals the latest in telecommunication advancements.

**Rick Bradley, CFO**

Rick Bradley, CFO of Rock Port Telephone Company has been with the company for 18 years. In 1996, he was hired as a telephone and cable technician, with the understanding that a leader knows the business from the ground up. In 1997, he was certified on the Nortel DMS 10 and has a Master of Communications Technology certificate issued in 1998 from National Radio Examiners in Dallas, TX. He is a member of the Regulatory Affairs Committee for the Missouri Telecommunications Industry Association. In 2002, he was advanced to the accounting department and promoted to Chief Financial Officer in 2005. He serves as the Office Manager for the business office which serves customers in all product provision areas. He is a graduate of Northwest Missouri State University in Maryville, MO with a BS in Accounting.

**Troy Cook, Chief Technology Officer**

Troy Cook is the Chief Technology Officer of Midwest Data Center, Inc., a wholly owned subsidiary of Rock Port Telephone Company in Rock Port, MO. Troy has over 13 years of experience in the information technology field. He has a Bachelor of Science in Management Information Systems. While working in technology, Troy has obtained several certifications including Project Management Professional, Cisco Certified Network Associate, Certified Penetration Testing Specialist, Microsoft Certified Professional and Certified Sonicwall Security Administrator. Troy also has experience managing and implementing various projects including cloud services, consulting, network infrastructure, systems integration and security.