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July 14, 2003

**FILED<sup>4</sup>**

**JUL 14 2003**

Mr. Dale Hardy Roberts  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

Missouri Public  
Service Commission

**RE: Case No. \_\_\_\_\_**

Application of Motion Telecom, Inc. for Certificate of Service Authority to  
Provide Intrastate, Interexchange Telecommunications Services

Dear Mr. Roberts:


Enclosed for filing on behalf of Motion Telecom, Inc., please find an original and five (5) copies of an **"APPLICATION FOR CERTIFICATE OF SERVICE AUTHORITY AND FOR COMPETITIVE CLASSIFICATION."** Also enclosed is Motion Telecom's proposed initial interexchange services tariff, P.S.C. Mo. No. 1, which bears a 45-day effective date.

Please see that this filing is brought to the attention of the appropriate Commission personnel.

Thank you for your cooperation and assistance in this matter.

Sincerely,

WILLIAM D. STEINMEIER, P.C.

By:   
William D. Steinmeier

Enclosures

cc: General Counsel  
Office of Public Counsel  
Barbara H. Vonderheid, Motion Telecom, Inc.  
Mary Ann (Garr) Young

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

**FILED<sup>4</sup>**  
JUL 14 2003

In the Matter of the Application of )

**Motion Telecom, Inc.** )

For Authority to Provide Intrastate, Interexchange )  
Telecommunications Services in the State of Missouri )  
And for Competitive Classification )

Missouri Public  
Service Commission

Case No. \_\_\_\_\_

**APPLICATION FOR CERTIFICATE OF SERVICE AUTHORITY  
AND FOR COMPETITIVE CLASSIFICATION**

Comes now Motion Telecom, Inc. ("Motion Telecom" or the "Applicant"), by its undersigned attorneys and pursuant to §§ 392.410 through 392.440 *et seq.*, RSMo, and hereby respectfully requests that the Missouri Public Service Commission ("Commission") grant it authority to provide resale intrastate, interexchange services throughout the state of Missouri as permitted under the law, and classify its services as competitive. Pursuant to §392.361 and §392.420, RSMo, the Applicant also seeks a waiver of certain of the Commission's requirements for intrastate, interexchange telecommunications service offerings. Applicant seeks expedited treatment of this Application and the proposed tariff filed separately this date. A Motion for Expedited Treatment is being filed simultaneously herewith seeking approval no later than August 28, 2003. In support of its Application, Motion Telecom states as follows:

**I. THE APPLICANT**

The Applicant, Motion Telecom, Inc., is a privately-held corporation and a wholly-owned subsidiary of Advantage Advisory Service, Inc. (a California corporation doing

business as Advantage Wireless). The Applicant, Motion Telecom, Inc., formerly known as Advantage Telecom, Inc., is incorporated under the laws of the State of Colorado. The Applicant's Certificate of Authority to do business in Missouri from the Missouri Secretary of State's Office is attached to this Application as ***Exhibit A***. The nature of Applicant's business is the provision of telecommunications service. The Applicant's principal offices are located at 7101 South Fulton Street #200, Englewood, Colorado (CO) 80112. Telephone number is (303) 784-5300, and its fax number is (303) 784-5367. The toll-free number for customer service is: 1-800-864-4306.

## **II. DESIGNATED CONTACTS**

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

Barbara H. Vonderheid  
Chief Legal Officer and General Counsel  
Motion Telecom, Inc.  
7101 South Fulton Street, #200  
Englewood, Colorado (CO) 80112  
Telephone: (303) 784-5329  
Fax: (303) 784-5367 (facsimile)  
Email: [bvonderheid@awipcs.com](mailto:bvonderheid@awipcs.com)

with a copy to:

William D. Steinmeier  
Mary Ann (Garr) Young  
William D. Steinmeier, P.C.  
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P. O. Box 104595  
Jefferson City, Missouri 65110-4595  
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Email: [wds@wdspc.com](mailto:wds@wdspc.com)  
[Myoung0654@aol.com](mailto:Myoung0654@aol.com)

The corporate contact for consumer issues or customer complaints is:

Shirlene Anaya  
7101 South Fulton Street, #200  
Englewood, Colorado (CO) 80112  
Telephone: (303) 784-5300  
Fax: (303) 784-5315  
Toll Free: (800) 461-2763

**III. DESCRIPTION OF THE APPLICANT'S NETWORK, SERVICES SOUGHT TO  
BE PROVIDED, AND AUTHORITY REQUESTED**

By this Application, Motion Telecom, Inc. seeks authority to operate as an intrastate, interexchange carrier providing resale intrastate, interexchange services. Motion Telecom seeks Commission authorization to provide these services throughout the State of Missouri (or "on a statewide basis"). Motion Telecom proposes to provide long distance communication services and prepaid calling card services to residential and business customers throughout the State of Missouri.

By separate application filed simultaneously with the instant application, Motion Telecom seeks authority of the Commission to transfer virtually all of the assets, including all the Missouri customers, of Univance Telecommunications, Inc. ("Univance"). Univance is a Colorado corporation providing competitive interexchange services in Missouri pursuant to authority granted by the Missouri Public Service Commission in its "Order Approving Interexchange Certificate of Service Authority and order Approving Tariff" issued October 29, 1997 in Case No. TA-98-73.

Pursuant to 4 CSR 240-2.060(6)(C), Applicant is filing a proposed tariff simultaneously with the filing of this Application (PSC Mo.No.1), bearing a 45-day effective date as required by the Commission. The proposed tariff contains the rules

and regulations, description of services, and rates associated with those services. Applicant has also filed *Motions for Expedited Treatment* in this case and in the related transfer authority case. In order to expedite the process of securing the regulatory approvals necessary to effect its acquisition of Univance customers and be authorized to do business in Missouri, Applicant requests a shortening of the 45-day effective date and approval of the tariff to become effective simultaneously with the effective date of the Commission's approval of the transfer of assets from Univance to Motion Telecom, and the effective date of the IXC certificate sought in the instant case, all on or before August 28, 2003.

#### **IV. QUALIFICATIONS OF THE APPLICANT**

The Applicant has the requisite managerial, technical, and financial qualifications to operate a viable business and provide the services sought to be provided in Missouri.

#### **V. PUBLIC INTEREST**

Motion Telecom 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 customer service options consistent with the legislative goals set forth in the federal Telecommunications Act of 1996 and Chapter 392 RSMo. Prompt approval of this application also will expand the availability of innovative, high quality, and reliable telecommunications services within the State of Missouri. Approval of Motion Telecom's Application is likewise in the public interest because it will prevent the customers of Univance Telecommunications, Inc. from facing the risk of poor quality of service, interruption or disconnection which might occur as a consequence of Univance's financial status. Expedited approval of this application will

protect the viability of the transaction approved by the Bankruptcy Court on April 2, 2003 and carried out in the Bankruptcy auction of April 4, 2003; ensure a seamless transition from Univance to Motion Telecom; and avoid customer confusion or inconvenience. Public interest considerations, therefore, compel that Motion Telecom's Application be granted.

## **VI. REGULATORY TREATMENT AND WAIVERS**

As a new interexchange entrant, Motion Telecom requests streamlined regulatory treatment afforded similarly situated telecommunications carriers in Missouri. Likewise, to the extent the Commission has granted other interexchange carriers a waiver of certain of the Commission's rules and regulations, Motion Telecom respectfully requests that it be granted the same waivers.

Consistent with the Commission's treatment of other certificated telecommunications companies, Motion Telecom respectfully requests that, pursuant to §392.361.5 and §392.420, RSMo, the following statutes and regulations be waived with respect to its interexchange service offerings:

### **STATUTES**

§ 392.210.2	--	Uniform System of Accounts
§ 392.240(1)	--	Just and Reasonable Rates
§ 392.270	--	Ascertain Property Value
§ 392.280	--	Depreciation Accounts
§ 392.290	--	Issuance of Securities
§ 392.300.2	--	Acquisition of Stock
§ 392.310	--	Issuance of Stock and Debt
§ 392.320	--	Stock Dividend Payment
§ 392.330	--	Issuance of Securities, Debts and Notes
§ 392.340	--	Reorganization

### **RULES**

4 CSR 240-3.545(2)(C)	--	Posting of Rate Schedules at
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	Central Office
4 CSR 240-10.020	-- Depreciation Fund Income
4 CSR 240-30.040	-- Uniform System of Accounts
4 CSR 240-33.030	-- Inform Customers of Lowest Price

Motion Telecom will comply fully with all applicable Commission rules except those that are specifically waived by the Commission pursuant to the Company's request herein. To the extent that the Commission may modify its waiver policies, Motion Telecom respectfully reserves the right to amend its waiver requests accordingly.

Motion Telecom has no pending or final judgments or decisions against it or its affiliates from any state or federal agency or court that involve customer services or rates. No annual report or assessment fees are overdue.

## **VII. CLASSIFICATION**

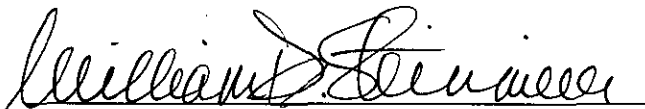
Motion Telecom requests classification as a competitive telecommunications company within the State of Missouri. The Applicant believes that the highly developed state of the interexchange telecommunications services market in Missouri and nationwide ensures that its proposed services will be subject to sufficient competition to warrant a less rigorous degree of regulation.

## **VIII. CONCLUSION**

Motion Telecom seeks authorization to provide intrastate, interexchange telecommunications services in Missouri. Motion Telecom possesses the requisite managerial, technical, and financial qualifications to operate a telecommunications business in Missouri. Moreover, public interest considerations demonstrate that a grant of authority to Motion Telecom will serve the public interest.

**WHEREFORE**, Motion Telecom respectfully requests that the Commission: (i) grant it a certificate of service authority to provide interexchange telecommunications services as requested herein; (ii) classify the Company and its proposed services as competitive; (iii) grant waivers of statutes and regulations as requested herein; and (iv) approve its separately submitted tariff. Approval is sought on an expedited basis, preferably no later than August 28, 2003, as requested in the accompanying Motion for Expedited Treatment.

Respectfully submitted,



William D. Steinmeier Mo. Bar #25689  
Mary Ann (Garr) Young Mo. Bar # 27951  
WILLIAM D. STEINMEIER, P.C.  
2031 Tower Drive  
P.O. Box 104595  
Jefferson City, MO 65110-4595  
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[Myoung0654@aol.com](mailto:Myoung0654@aol.com)



Barbara H. Vonderheid, Colo. Bar #16191  
Chief Legal Officer and General Counsel  
Motion Telecom, Inc.  
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Englewood, Colorado (CO) 80112  
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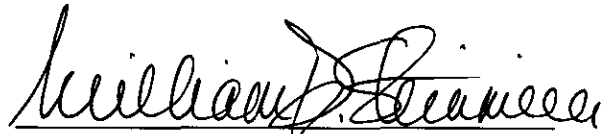
COUNSEL FOR MOTION TELECOM, INC.

Dated: July 14, 2003



Certificate of Service

I hereby certify that a copy of this document has been hand delivered or mailed by first class mail, postage prepaid, to the Office of the General Counsel of the Missouri Public Service Commission, and to the Office of Public Counsel, on this 14th day of July 2003.

  
William D. Steinmeier

**EXHIBIT A**

**Secretary of State Certificate**

**EXHIBIT A**

**Secretary of State Certificate**

# STATE OF MISSOURI



Matt Blunt  
Secretary of State

## AMENDED CERTIFICATE OF AUTHORITY OF A FOREIGN CORPORATION

WHEREAS,


*MOTION TELECOM, INC.*  
F00520686

FORMERLY,

*ADVANTAGE TELECOM, INC. d/b/a ADV TELECOM, INC.*

incorporated under the laws of the State of Colorado and now in existence and in good standing in said State, and qualified to transact business in Missouri has delivered to me, duly authenticated evidence of an amendment to its Articles of Incorporation as provided by law, and has, in all respects, complied with the requirements of The General and Business Corporation Law of Missouri, governing Amendments to the Articles of Incorporation of Foreign Corporations, and in accordance therewith issue this Certificate of Amendment.

IN TESTIMONY WHEREOF, I have set  
my hand and imprinted the GREAT SEAL  
of the State of Missouri, on this, the 26th  
day of June, 2003.

  
Secretary of State



## Verification

STATE OF COLORADO  
COUNTY OF ARAPAHOE

SS.

## VERIFICATION

I, Mark Gritz, being duly sworn, declare that I am  
President of Motion Telecom, Inc., the Applicant in the subject  
proceeding; that I have read the foregoing Application; and the statements  
therein are true and correct to the best of my knowledge, information, or belief.

Pres/000

Subscribed and sworn to before me

this 8<sup>th</sup> day of July, 2003.

Sharon K Gillespie  
Notary Public

**Sharon K. Gillespie, Notary Public  
State of Colorado  
My Commission Expires 1/17/2006**

My Commission Expires: My Commission Expires 1/17/2006

