

FISCHER & DORITY
PROFESSIONAL CORPORATION

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May 17, 2002

Secretary of the
Missouri Public Service Commission
200 Madison Street, Suite 100
P.O. Box 360
Jefferson City, Missouri 65102-0360

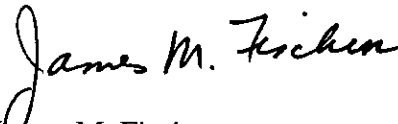
RE: *In the matter of the Application of North By NortheastCom LLC for a Certificate of Service Authority to Provide Competitive Intrastate Interexchange Telecommunications Services in Missouri*

Dear Mr. Roberts:

Enclosed for filing in the above-referenced matter are the original and eight (8) copies of the Application of North By NortheastCom LLC. A copy of the foregoing Application has been hand-delivered or mailed this date to each party of record.

Thank you for your attention to this matter.

Sincerely,


James M. Fischer

/jr
Enclosures

cc: Office of the Public Counsel
Dana K. Joyce, General Counsel

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

In the matter of the Application of)
North By NortheastCom LLC for a)
Certificate of Service Authority to Provide)
Competitive Intrastate Interexchange)
Telecommunications Service in Missouri)

Case No. _____

APPLICATION

COMES NOW **North By NortheastCom LLC** ("NBNE or Applicant") who requests a Certificate of Service Authority to provide competitive intrastate interexchange telecommunications services between and among locations within the state of Missouri pursuant to Section 392.440, RSMo 2000,¹ an order classifying Applicant as a competitive telecommunications carrier, and an order waiving or suspending certain Commission rules and statutory provisions pursuant to Section 392.440, and an order waiving or suspending certain Commission rules and statutory provisions pursuant to Section 392.420. In support of its request, Applicant provides the following information:

1. North By NortheastCom LLC was incorporated on December 26, 2001, under the laws of the State of Delaware.

North By NortheastCom LLC
11200 Murray Scholls Place
Beaverton, OR 97007
Phone: 503-643-9500
Fax: 503-643-9600
Toll-Free: 800-933-4034

A copy of Applicant's Articles of Incorporation and Certificate of Authority to transact business in Missouri are attached hereto as Exhibit I and incorporated herein by reference.

¹ All citations to statutory sections are to the 2000 Revised Statutes of Missouri, as currently supplemented, unless otherwise indicated.

2. NBNE proposes to offer directory assistance services throughout the state of Missouri as a part of a nationwide service.

NBNE has no plans to install or construct transmission facilities in Missouri.

NBNE has contracted the services of ACI Billing Services for LEC, direct and credit card billing. Their toll free telephone number for customer inquiries and complaints is 800-944-9646. The Company may also bill the Customer, in which case the toll free telephone number is 800-933-4034.

3. NBNE's statutory representation in the state of Missouri is:

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

4. NBNE intends to provide resold long distance telecommunications service to business and residential customers on a twenty-four (24) hour a day, seven (7) day a week basis, originating and terminating throughout the state of Missouri.
5. NBNE possesses managerial and technical expertise to provide resale interexchange telecommunications services.
6. NBNE possesses the financial ability to provide the requested services.
7. NBNE's tariff contains the rules and regulations applicable to its customers, a description of the services offered, and a list of rates associated with such services is being filed simultaneously with this application showing a forty-five (45) day effective date.
8. NBNE requests classification as a competitive telecommunications company operating within the state of Missouri. NBNE further requests classification of services described in their tariff as competitive services.

9. Applicant will not unjustly discriminate among its customers, which discrimination is prohibited pursuant to Section 392.200.
10. Applicant, pursuant to Section 386.570, will comply with all applicable Commission rules except those which are specifically waived by the Commission pursuant to a request filed by the Applicant.
11. NBNE does not offer Operator Services.
12. Correspondence or communications pertaining to this application should be addressed to:

Mr. James Fischer
Fischer & Dority, P.C.
101 Madison Street, Suite 400
Jefferson City, MO 65101
Telephone: (573) 636-6758
Facsimile: (573) 636-0383
E-mail: jfischerpc@aol.com

13. Applicant also respectfully requests, pursuant to Section 392.420, that the Commission suspend, waive or modify the application of the following rules and statutory provisions as they relate to the regulation of the applicant:

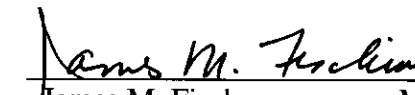
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|------------------------|--|
| 4 CSR 240-10.020 | - Depreciation fund income |
| 4 CSR 240-30.010(2)(C) | - Posting of exchange rates at central operating offices |
| 4 CSR240-30.040 | - Uniform system of accounts |
| 4 CSR 240-33.030 | - Minimum charge rules |
| 4 CSR 240-35 | - Bypass |
| Section 392.240(1) | - Rates--reasonable average return on investment |
| Section 392.270 | - Property valuation |
| Section 392.280 | - Depreciation rates |
| Section 392.290 | - Issuance of securities |
| Section 392.300.2 | - Acquisition of stocks |
| Section 392.310 | - Issuance of stocks and bonds |
| Section 392.320 | - Stock dividends |
| Section 392.330 | - Issuance of securities, debt and notes |
| Section 392.340 | - Reorganization |

The above referenced rules and statutory provisions have been waived with regard to other interexchange carriers in prior cases. These rules or statutory provisions are principally designed to apply to noncompetitive telecommunications carriers. It would be inconsistent with the goal and purpose of Section 392.530 to apply them to a competitive telecommunications carrier such as the Applicant.

14. Applicant has no annual reports or regulatory assessment fees that are overdue in Missouri.
15. Applicant has no pending actions 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.

WHEREFORE, North By NortheastCom LLC, respectfully requests the Commission to grant it a certificate of service authority to offer competitive intrastate interexchange telecommunications service within the state of Missouri; an order classifying it as a competitive telecommunications company providing competitive service; an order suspending, waiving or modifying the above referenced rules and statutory provision as they relate to the regulation of the Applicant in the state of Missouri, and for such further orders as the Commission deems appropriate.

Respectfully submitted,


James M. Fischer MBN 27543
Fischer & Dority, P.C.
101 Madison Street, Suite 400
Jefferson City, Missouri 65101
Telephone: (573) 636-6758
Facsimile: (573) 636-0383
E-mail: jfischerpc@aol.com

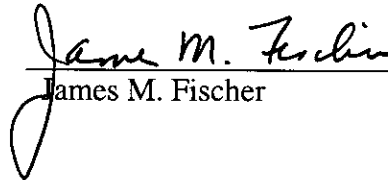
ATTORNEY FOR APPLICANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was hand- delivered or mailed, postage prepaid, this 17th day of May 2002, to:

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Dan Joyce, General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102


James M. Fischer

VERIFICATION

I, P. Bryan Dooling, III, first being duly sworn upon oath depose and say I am President & Manager of North By NortheastCom LLC, a Delaware Corporation; that I have read the above and foregoing petition by me subscribed and know the contents thereof, that said contents are true in substance and in fact, except as to those matters stated upon information and belief, and as to those, I believe same to be true.

P. Bryan Dooling, III

P. Bryan Dooling, III - President
North By NortheastCom LLC

4/9/02

Date

Subscribed and sworn before me this 9th day of April, 2002.

Maureen Lanstyk
(NOTARY PUBLIC)

My Commission expires on:

4/24/04



North By NortheastCom LLC

EXHIBIT I

Articles of Incorporation
and
Certificate of Authority to Transact Business in Missouri

No. FL0060359

STATE OF MISSOURI



Matt Blunt
Secretary of State

CERTIFICATE OF REGISTRATION
FOREIGN LIMITED LIABILITY COMPANY

WHEREAS,
NORTH BY NORTHEASTCOM LLC

using in Missouri the name
NORTH BY NORTHEASTCOM LLC

and existing under the laws of the State of DELAWARE
has filed with this state its application for registration and
WHEREAS this application for registration conforms to the
Missouri Limited Liability Company Act;

NOW, THEREFORE, I, MATT BLUNT, Secretary of State of the
State of Missouri, by virtue of authority vested in me by law,
do certify and declare that on the 28th day of JANUARY, 2002,
the above Foreign Limited Liability Company is duly authorized
to transact business in the State of Missouri
and is entitled to any rights granted
Limited Liability Companies.

IN TESTIMONY WHEREOF, I have set my
hand and imprinted the GREAT SEAL of
the State of Missouri, on this, the
28th day of JANUARY, 2002.

Matt Blunt

Secretary of State

\$105.00





State of Missouri

Matt Blunt, Secretary of State

Corporations Division
P.O. Box 778, Jefferson City, MO 65102

James C. Kirkpatrick State Information Center
600 W. Main Street, Rm 322, Jefferson City, MO 65101

Application for Registration of a Foreign Limited Liability Company

(Submit in duplicate with filing fee of \$105.00)

FILED

JAN 28 2002

Matt Blunt
SECRETARY OF STATE

- (1) The name of the foreign limited liability company is:
NORTH BY NORTHEASTCOM LLC
- (2) The name under which the foreign limited liability company will conduct business in Missouri is (must contain "limited company," "limited liability company", "LC", "LLC", "L.C.", or "L.L.C.") (must be filled out if different from line (1)):
NORTH BY NORTHEASTCOM LLC
- (3) The foreign limited liability company was formed under the laws of Delaware on the _____ date of December 26, 2001, and is to dissolve on perpetual.
(state or jurisdiction) (month/day/year, event, or perpetual)
- (4) The purpose of the foreign limited liability company or the general character of the business it proposes to transact in this state is:
Long distance telecommunication services.
- (5) The name and address of the limited liability company's registered agent in Missouri is (this line must be completed and include a street address):
National Registered Agents, Inc., 300-B East High Street, Jefferson City, MO 65101
Name _____ Address (P.O. Box may only be used in conjunction with a physical street address) _____ City/State/Zip _____

The Secretary of State is appointed agent for service of process if the foreign limited liability company fails to maintain a registered agent. Notice failure to maintain a registered agent constitutes grounds to cancel the registration of the foreign limited liability company.

- (6) The address of the registered office in the jurisdiction organized. If none required, then the principal office address of the foreign limited liability company is:
601 S. Figueroa Street, 40th Floor, Los Angeles, CA 90017-5756
Name _____ Address (P.O. Box may only be used in conjunction with a physical street address) _____ City/State/Zip _____
- (7) For tax purposes, is the limited liability company considered a corporation? yes X no

In affirmation thereof, the facts stated above are true.

Bryan Dooling
(Authorized Signature)

RYAN DOOLING
(Printed Name)

1-24-02
(Date)

(Authorized Signature)

(Printed Name)

(Date)

(Authorized Signature)

(Printed Name)

(Date)

Delaware

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The First State

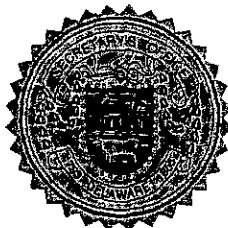
I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED ARE TRUE AND CORRECT COPIES OF ALL DOCUMENTS ON FILE OF "NORTH BY NORTHEASTCOM LLC" AS RECEIVED AND FILED IN THIS OFFICE.

THE FOLLOWING DOCUMENTS HAVE BEEN CERTIFIED:

CERTIFICATE OF FORMATION, FILED THE TWENTY-SIXTH DAY OF DECEMBER, A.D. 2001, AT 9 O'CLOCK A.M.

CERTIFICATE OF AMENDMENT, CHANGING ITS NAME FROM "EASTCOM LLC" TO "NORTH BY NORTHEASTCOM LLC", FILED THE TWENTY-SECOND DAY OF JANUARY, A.D. 2002, AT 9 O'CLOCK A.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE AFORESAID CERTIFICATES ARE THE ONLY CERTIFICATES ON RECORD OF THE AFORESAID LIMITED LIABILITY COMPANY.



3473796 8100H

020084470

Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 1603691

DATE: 02-08-02

Certificate of Formation

of

EastCom LLC

This Certificate of Formation of EastCom LLC, a Delaware limited liability company (the "Company"), dated as of December 26, 2001, is being duly executed and filed by Jeannie Gottlieb to form a limited liability company under the Delaware Limited Liability Company Act (6 Del.C. §18-101, et seq.) (the "Delaware Act").

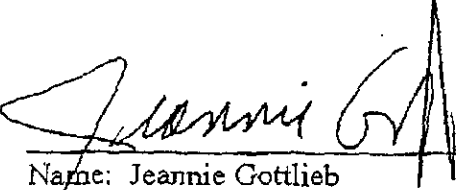
FIRST. The name of the limited liability company formed hereby is EastCom LLC.

SECOND. The address of the registered office of the Company in the State of Delaware is c/o National Registered Agents, Inc., 9 East Loockerman Street, City of Dover, County of Kent 19901.

THIRD. The name and address of the registered agent for service of process for the Company in the State of Delaware is National Registered Agents, Inc., 9 East Loockerman Street, City of Dover, County of Kent 19901.

IN WITNESS WHEREOF, the undersigned, an authorized person as described in the Delaware Act, has executed this Certificate of Formation as of the date first above written.

Authorized Person:


Name: Jeannie Gottlieb

CERTIFICATE OF AMENDMENT TO CERTIFICATE OF FORMATION

OF

EASTCOM LLC

EASTCOM LLC (hereinafter called the "company"), a limited liability company organized and existing under and by virtue of the Limited Liability Company Act of the State of Delaware, does hereby certify:

1. The name of the limited liability company is EASTCOM LLC.
2. The certificate of formation of the company is hereby amended by striking out Article[s] 1 thereof and by substituting in lieu of said Article[s] the following new Article[s]:

1. The name of the limited liability company is
NORTH BY NORTHEASTCOM LLC.

Executed on this 21 day of JANUARY, 2002


Authorized Person

Delaware Domestic Limited Liability Company
Certificate of Amendment 1/06 - 1