

**BEFORE THE
MISSOURI PUBLIC SERVICE COMMISSION**

In the matter of the Application of)	
ATC Outdoor DAS, LLC for a)	
Certificate of Service Authority to)	
Provide Interexchange and Non-Switched)	Case No. _____
Local Telecommunications Services in)	
the State of Missouri)	

**APPLICATION FOR CERTIFICATE OF SERVICE AUTHORITY
TO PROVIDE INTEREXCHANGE AND NON-SWITCHED LOCAL
TELECOMMUNICATIONS SERVICE**

Comes now ATC Outdoor DAS, LLC (“ATC Outdoor” or “Applicant”), by its undersigned counsel, and hereby requests a certificate of service authority pursuant to Sections 392.361, 392.420, and 392.430 RSMo 1994, 392.410, 392.450 RSMo Supp. 1996, the Federal Telecommunications Act of 1996, and 4 CSR 240-2.060, for authority to provide interexchange and non-switched local transport telecommunications services within the state of Missouri pursuant to Sections 392.410–392.450 RSMo. ATC Outdoor further requests that the Commission classify it as a competitive company pursuant to Section 392.361 RSMo and waive certain statutes and rules identified herein, as authorized by Section 392.420 RSMo. In support of its Application ATC Outdoor states as follows:

1. Applicant ATC Outdoor is a limited liability company duly formed and existing under and by virtue of the laws of the State of Delaware. See **Exhibit A** for a certified copy of ATC Outdoor’s Certificate of Formation, as issued by the Delaware Secretary of State. See **Exhibit B** for copy of ATC Outdoor’s Certificate of Authority to conduct business in Missouri.
2. All inquiries, correspondence, communications, pleadings, notices, orders and decisions relating to the case should be addressed to:

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3. ATC Outdoor requests a certificate of service authority to provide interexchange and non-switched local telecommunications services within the state of Missouri, both as facilities-based services and/or resold services, pursuant to Sections 392.410-392.450 RSMo.

4. By this Application, ATC Outdoor seeks authority to provide non-switched local transport services (hereinafter referred to as "Services") to customers throughout the State of Missouri, and requests classification as a competitive telecommunications company. Applicant proposes to provide these Services through a combination of its own facilities and facilities to be leased from a variety of telecommunications carriers. Services will be both intrastate and interstate and will rely on a technical platform known as a "Distributed Antenna System," or "DAS." A DAS consists of the following:

- (i) Base Station Hotel: The Base Station Hotel is the central location where all WSP Base Transceiver Station (BTS) equipment is installed. The Base Station Hotel also contains the Optical Conversion equipment.
- (ii) Optical Conversion Equipment: This unit converts the RF output from the BTS to an optical signal. This optical signal is then transmitted via fiber optic cable to specific Remote Node locations.
- (iii) Remote Nodes: Each Remote Node then converts the optical signal back to RF. This RF signal is transmitted over an omni-directional antenna which is typically mounted on a light post, bus stop or other municipality infrastructure. This broadband antenna broadcasts the signal for all WSP technologies.
- (iv) Access Points: A high power Access Point can be added to each Remote Node for provisioning of 802.11 data services. Data traffic is then routed to the internet through standard data equipment located in the Base Station Hotel.

Also, ATC Outdoor plans to provide radio frequency (“RF”) or optical transport and backhaul services for voice and data service providers. ATC Outdoor will provide its Service using transport and backhaul linked by fiber optic cables or wireless RF systems with conversion equipment attached to poles and other structures.

The Services are customized to the transport and backhaul needs of individual customers. The Services will be generally provided on a monthly basis and will be available twenty-four (24) hours per day, seven days per week, subject to the availability of necessary service, equipment and facilities. At this time, ATC Outdoor does not intend to furnish traditional residential or business local telephone services or switched, interexchange telephone service.

5. The Services that ATC Outdoor intends to offer are competitive. As such, ATC Outdoor, pursuant to Section 391.361 RSMo, requests that it be classified as a competitive telecommunications company.

6. Consistent with the Commission’s treatment of other interexchange and non-switched local exchange services, ATC Outdoor requests the following statutes and regulations be waived for ATC Outdoor and its service offerings:

<u>Statutes</u>	<u>Missouri Public Service Commission Rules</u>
392.210.2	4 CSR 240-10.020
392.240.1	
392.270	4 CSR 240-30.040
392.280	
392.290	
392.300.2	
392.310	
392.320	
392.330	
392.340	

7. ATC Outdoor 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 occurred within the last three (3) years from the date of this Application. Further, ATC Outdoor does not have any overdue annual report or assessment fees.

8. Grant of this Application and ATC Outdoor's entry into the telecommunications marketplace within Missouri will serve the public interest in a variety of ways. First, as demonstrated above, ATC Outdoor is technically and financially qualified to provide telecommunications service in Missouri, and the public interest will be served by expanding the availability of competitive telecommunications services in Missouri, thereby enhancing the telecommunications infrastructure in Missouri and facilitating economic development. Moreover, ATC Outdoor's services are designed in part to use DAS technologies to fill in gaps in wireless coverage without requiring the construction of large towers. Second, although ATC Outdoor does not initially intend to provide voice service to end-use-subscribers, should it do so in the future, ATC Outdoor will provide (either directly or through arrangements with others) the following: (1) access to 911 and E911 services; (2) access to telecommunications relay services;

(3) access to directory assistance; (4) access to operator services; and (5) non-discriminatory interconnection with other local exchange carriers.

Finally, grant of this Application will benefit the public directly – through the use of the competitive services offered by ATC Outdoor – and indirectly, because the presence of ATC Outdoor in the market will increase the incentives for other carriers to operate more efficiently and offer more innovative service. Competition for telecommunications services is essential to the State of Missouri’s economic welfare and to its ability to retain and attract small and mid-sized businesses necessary to enhance economic development. Moreover, competition in the telecommunications market is the primary goal of the Federal Act. Thus, for the reasons set forth above, grant of the instant Application will serve the public interest.

WHEREFORE, Applicant ATC Outdoor respectfully requests that the Commission grant it a certificate of service authority to provide interexchange and non-switched local transport telecommunications services as herein requested, classify ATC Outdoor and its proposed Services as competitive, and grant a waiver of the aforesaid statutes and regulations.

Respectfully submitted,

/s/ Jason L. Ross

Jason L. Ross

Missouri Bar No. 51428

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Its Attorneys

Dated: September 17, 2008

Exhibit A

Please find attached a certified copy of ATC Outdoor's Certificate of Formation, as issued by the Delaware Secretary of State.

Delaware

PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF FORMATION OF "AMERICAN TOWER OUTDOOR DAS, LLC", FILED IN THIS OFFICE ON THE TWENTIETH DAY OF DECEMBER, A.D. 2007, AT 1:51 O'CLOCK P.M.



4477813 8100

071347818

You may verify this certificate online
at corp.delaware.gov/authver.shtml

Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 6260705

DATE: 12-21-07

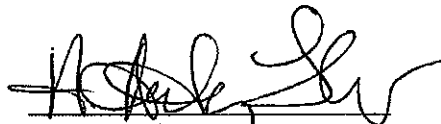
STATE of DELAWARE
LIMITED LIABILITY COMPANY
CERTIFICATE of FORMATION

- **First:** The name of the limited liability company is American Tower Outdoor DAS, LLC.
- **Second:** The address of its registered office in the State of Delaware is Corporation Trust Center, 1209 Orange Street, in the City of Wilmington, Delaware 19801. The name of its registered agent at such address is The Corporation Trust Company.
- **Third:** (Insert any other matters the members determine to include herein.)

The effective date of this Certificate of Formation is December 20, 2007

In Witness Whereof, the undersigned has executed this Certificate of Formation this 20th day of December, 2007.

By:



Authorized Person(s)

Name: H. Anthony Lehv

Delaware

PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF CORRECTION OF "AMERICAN TOWER OUTDOOR DAS, LLC", CHANGING ITS NAME FROM "AMERICAN TOWER OUTDOOR DAS, LLC" TO "ATC OUTDOOR DAS, LLC", FILED IN THIS OFFICE ON THE TWENTY-SIXTH DAY OF DECEMBER, A.D. 2007, AT 1:32 O'CLOCK P.M.



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071360633

You may verify this certificate online
at corp.delaware.gov/authver.shtml

Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 6263576

DATE: 12-26-07

**State of Delaware
Certificate of Correction
of a Limited Liability Company
to be filed pursuant to Section 18-211(a)**

1. The name of the Limited Liability Company is: American Tower Outdoor DAS, LLC
2. That a Certificate of Formation was filed by the Secretary of State of Delaware on December 20, 2007, and that said Certificate requires correction as permitted by Section 18-211 of the Limited Liability Company Act.
3. The inaccuracy or defect of said Certificate is: (must give specific reason)

The name of the limited liability company is incorrect.

4. The Certificate is hereby corrected to read as follows:

The name of the limited liability company is ATC Outdoor DAS, LLC.

IN WITNESS WHEREOF, the undersigned have executed this Certificate on
the 26 day of December, A.D. 2007.

By: Nathaniel Sisitsky

Authorized Person

Name: Nathaniel Sisitsky

Print or Type

Exhibit B

Please find attached a copy of Applicant's Certificate of Authority to do business in the State of Missouri.

STATE OF MISSOURI



Robin Carnahan
Secretary of State

**CORPORATION DIVISION
CERTIFICATE OF GOOD STANDING**

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

ATC OUTDOOR DAS, LLC

using in Missouri the name

**ATC OUTDOOR DAS, LLC
FL0872178**

a DELAWARE entity was created under the laws of this State on the 4th day of February, 2008, 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 15th day of September, 2008

A handwritten signature in cursive script that reads "Robin Carnahan".

Secretary of State

