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April 27, 2001

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Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

FILED²
APR 27 2001
Missouri Public
Service Commission

RE: Case No. TA-2000-692 – In the Matter of the Application of OnSite Access Local, LLC, for a Certificate of Service Authority to Provide Resold and Facilities-based Intrastate Interexchange and Nonswitched Local Exchange Telecommunications Services in the State of Missouri and to Classify Said Services as Competitive.

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of a **STAFF RECOMMENDATION**.

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

Nathan Williams
Associate General Counsel
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(573) 751-9285 (Fax)
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Enclosure
cc: Counsel of Record

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

FILED²

APR 27 2001

Missouri Public
Service Commission

In the Matter of the Application of OnSite)
Access Local LLC, for a Certificate of)
Service Authority to Provide Resold and)
Facilities-based Intrastate Interexchange)
and Nonswitched Local Exchange)
Telecommunications Services in the State)
of Missouri and to Classify Said Services)
as Competitive.)

Case No. TA-2000-692

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its recommendation states:

1. OnSite Access Local LLC, a New York limited liability company authorized to do business in the State of Missouri, on April 27, 2000 filed with this Commission an application, which was amended on June 20, 2000,¹ seeking (1) authority to provide resold and facilities-based interexchange and non-switched local exchange telecommunications services in the State of Missouri, (2) competitive status for both the company and its services and (3) waiver of the requirements of the following statutes and rules:

Statutes (RSMo.)

Rules

392.210.2
392.240(1)
392.270
392.280
392.290
392.300.2
392.310
392.320
392.330
392.340

4 CSR 240-10.020
4 CSR 240-30.010(2)(C)
4 CSR 240-30.040
4 CSR 240-33.030
4 CSR 240-35

¹ With leave of the Commission, Onsite Access Local LLC revised its requested waiver of § 392.290.1 RSMo to § 392.290 RSMo.

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These are the same statutes and rules that the Commission listed in the Notice of Applications it issued on May 2, 2000 wherein it fixed an intervention date of June 1, 2000 for this case. No parties have intervened. As part of its application, OnSite Access Local LLC submitted its proposed tariff. Contemporaneously with the filing of its application, the Company filed a motion for a protective order. The Commission granted that motion. Originally the proposed effective date of the proposed tariff filed by OnSite Access Local LLC in this case was June 11, 2000. The Company extended the effective date and submitted substitute tariff sheets on several dates. By letter filed February 27, 2001 the Company last extended the tariff effective date to May 16, 2001. The Company filed substitute tariff sheets on June 8, 2000; November 6, 2000; November 7, 2000; November 27, 2000; and April 25, 2001.

2. In the attached Memorandum, which is labeled Appendix A, the Staff recommends that the Missouri Public Service Commission ("Commission") grant to OnSite Access Local LLC a certificate to provide interexchange and dedicated, private line local exchange telecommunications services. The Commission shall grant an application for a certificate of telecommunications service authority upon a finding that the grant of authority is in the public interest. (See §§ 392.430 and 392.440, RSMo 2000).

4. Staff also recommends that the Commission classify the company OnSite Access Local LLC and its services as competitive. The Commission may classify a telecommunications provider or its services as competitive if the Commission determines it is subject to sufficient competition to justify a lesser degree of regulation. (See §392.361.2 RSMo 2000). All the services a competitive company provides must be classified as competitive. (See §392.361.3 RSMo 2000).

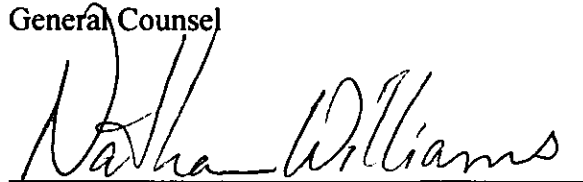
5. The Staff recommends that the Commission approve for OnSite Access Local LLC the waivers listed in the Notice of Applications the Commission issued on May 2, 2000. The Commission may waive the application of its rules and certain statutes if the Commission determines that waiver is consistent with the purposes of Chapter 392 RSMo (See §§ 392.361.3, 392.420 and § 392.185 RSMo 2000).

6. The Staff recommends approval of the tariff filed by OnSite Access Local LLC, as substituted. The Commission is to review a tariff to assure the provisions thereof are both lawful and just and reasonable. See §§ 392.190 to 392.530, RSMo, generally and 392.200, RSMo 2000, in particular.

WHEREFORE, the Staff recommends that the Commission grant OnSite Access Local LLC a certificate to provide interexchange and dedicated, private line local exchange telecommunications services, grant Applicant competitive classification, approve Applicant's proposed tariff, PSC MO No. 1 with a proposed effective date of May 16, 2001, and approve the waivers listed in the Notice of Applications.

Respectfully submitted,

DANA K. JOYCE
General Counsel



Nathan Williams
Associate General Counsel
Missouri Bar No. 35512

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 27th day of April, 2001.

Nathan Williams

Service List for
Case No. TA-2000-692
Verified: April 27, 2001 (RR)

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MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No: TA-2000-692 File No: 200000980
Applicant: OnSite Access Local, LLC

From: Sara Buyak ⁽⁹⁸⁾
Telecommunications Department

B. H. H. 04-26-01 W. K. H. 4/27/01
Utility Operations Division/Date General Counsel's Office/Date

NW
4/27/01

Subject: Staff Recommendation for Approval of Certificate and Tariff

Date: April 25, 2001

Date Assigned: May 1, 2000

Staff Deadline: May 4, 2001

The Telecommunications Department Staff (Staff) recommends the applicant be granted the following certificate(s), as indicated below, to be effective on the same date the tariff becomes effective:

- ☒ certificate to provide interexchange telecommunications services.
 - ☒ certificate to provide local exchange telecommunications services.*
- *local exchange authority should be restricted to dedicated, private line services.

Staff recommends the applicant receive competitive classification. Furthermore, Staff recommends approval of the applicant's proposed tariff, PSC MO NO. 1, with a proposed effective date of May 16, 2001. In addition, Staff recommends approval of the waivers listed in the Notice.

Is there an attachment to this recommendation indicating any additional recommendations or special considerations? ☐ Yes ☒ No