

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
January 11, 2001**

**CASE NO: TA-2001-348**

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**Enclosed find certified copy of an ORDER in the above-numbered case(s).**

Sincerely,



**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

**Uncertified Copies:**

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

In the Matter of the Application of )  
Missouri Network Alliance, L.L.C. for a )  
Certificate of Service Authority to Provide ) **Case No. TA-2001-348**  
Interexchange and Non-switched Local ) **Tariff No. 200000610**  
Exchange Telecommunications Services )  
and to Classify said Services )  
and the Company as Competitive )

**ORDER APPROVING INTEREXCHANGE AND NONSWITCHED  
LOCAL EXCHANGE CERTIFICATES OF SERVICE AUTHORITY  
AND ORDER APPROVING TARIFF**

Missouri Network Alliance, L.L.C. (MNA) applied to the Missouri Public Service Commission (Commission) on December 5, 2000, for certificates of service authority to provide intrastate interexchange and nonswitched local exchange telecommunications services in Missouri under Sections 392.410-.450, RSMo 1994, and RSMo Supp. 1999.<sup>1</sup> MNA asked the Commission to classify it as a competitive company and to waive certain statutes and rules as authorized by Sections 392.361 and 392.420. MNA is a Missouri corporation with its principal office located at 8800 Blue Ridge Boulevard, Suite 101, Kansas City, Missouri 64138. In a supplemental pleading filed December 15, 2000, MNA stated that it is a newly-formed company which has not yet begun to conduct any business. MNA noted that if its request for authority is granted, it proposes to provide interexchange telecommunications services to

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<sup>1</sup> All further statutory references are to the Revised Statutes of Missouri 1994 unless otherwise indicated.

business customers in Missouri via dedicated or private line equivalent data services over xDSL loops to local exchange companies.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on December 12, 2000, directing parties wishing to intervene to file their requests by December 27, 2000. The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989). Since no one has asked permission to intervene or requested a hearing, the Commission may grant the relief requested based on the application.

MNA filed a proposed tariff in conjunction with its application and filed substitute sheets on December 22, 2000, and January 2 and 4, 2001. The tariff's effective date is January 19, 2001. MNA's tariff describes the rates, rules, and regulations it intends to use, identifies MNA as a competitive company, and lists the waivers requested. MNA intends to provide interexchange and nonswitched local exchange telecommunications services including private line and other xDSL services.

In its memorandum filed on January 9, 2001, the Staff of the Commission (Staff) recommended that the Commission grant MNA a certificate of interexchange service authority, and a certificate of service authority for local exchange telecommunications services on condition that this authority be restricted to providing dedicated private line services. Staff recommended that the Commission grant

MNA competitive status, and waiver of the statutes and rules listed in the Notice. Staff recommended that the Commission approve the proposed tariff as amended to become effective on January 19, 2001.

The Commission finds that competition in the intrastate interexchange and nonswitched local exchange telecommunications markets is in the public interest and MNA should be granted certificates of service authority. The Commission finds that the services MNA proposes to offer are competitive and MNA should be classified as a competitive company. The Commission finds that waiving the statutes and Commission rules set out in the ordered paragraph below is reasonable and not detrimental to the public interest.

The Commission finds that MNA's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated interexchange and nonswitched local exchange carriers. The Commission finds that the proposed tariff filed on December 5, 2000, shall be approved as amended to become effective on January 19, 2001.

**IT IS THEREFORE ORDERED:**

1. That Missouri Network Alliance, L.L.C. is granted a certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri, subject to the conditions of certification set out above.

2. That Missouri Network Alliance, L.L.C. is granted a certificate of service authority to provide nonswitched local exchange telecommunications services in the state of Missouri limited to

providing dedicated private line services, subject to all applicable statutes and Commission rules except as specified in this order.

3. That Missouri Network Alliance, L.L.C. is classified as a competitive telecommunications company. Application of the following statutes and regulatory rules shall be waived:

**Statutes**

- 392.210.2 - uniform system of accounts
- 392.240.1 - rates-rentals-service & physical connections
- 392.270 - valuation of property (ratemaking)
- 392.280 - depreciation accounts
- 392.290 - issuance of securities
- 392.300.2 - acquisition of stock
- 392.310 - stock and debt issuance
- 392.320 - stock dividend payment
- 392.340 - reorganization(s)
- 392.330, RSMo Supp. 1999 - issuance of securities, debts and notes

**Commission Rules**

- 4 CSR 240-10.020 - depreciation fund income
- 4 CSR 240-30.010(2)(C) - posting of tariffs
- 4 CSR 240-30.040 - uniform system of accounts
- 4 CSR 240-32.030(4)(C) - exchange boundary maps
- 4 CSR 240-33.030 - minimum charges
- 4 CSR 240-35 - reporting of bypass and customer-specific arrangements

4. That the tariff filed by Missouri Network Alliance, L.L.C. on December 5, 2000, under tariff number 200100610, is approved as amended to become effective on January 19, 2001. The tariff approved is:

**PSC Mo. No. 1**

5. That this order shall become effective on January 19, 2001.

6. That this case may be closed on January 20, 2001.

**BY THE COMMISSION**

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

( S E A L )

Bill Hopkins, Senior Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 1994.

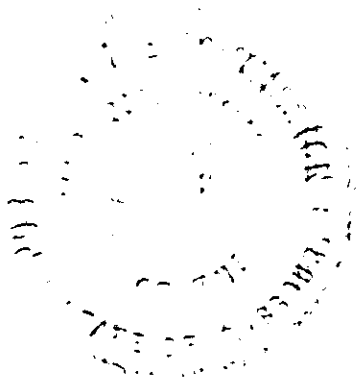
Dated at Jefferson City, Missouri,  
on this 11th day of January, 2001.

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 11<sup>th</sup> day of Jan. 2001.



*Dale Hardy Roberts*

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**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**