

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY**

October 5, 2000

CASE NO: TA-2000-607

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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

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

In the Matter of the Application of)	
Advanced TelCom Group, Inc. for a)	
Certificate of Service Authority to Provide)	
Basic Resold and Facilities-Based Basic)	
Local Telecommunications Services in)	<u>Case No. TA-2000-607</u>
Portions of the State of Missouri and to)	
Classify Such Services and the Company as)	
Competitive)	

**ORDER GRANTING CERTIFICATE TO PROVIDE
BASIC LOCAL TELECOMMUNICATIONS SERVICES**

Procedural History

Advanced TelCom Group, Inc. (ATGI) applied to the Missouri Public Service Commission (Commission) on March 28, 2000, for a certificate of service authority to provide basic local and local exchange telecommunications services in Missouri under Sections 392.420 - .440 RSMo 1994¹, and Sections 392.410 and .450, RSMo Supp. 1999. ATGI asked the Commission to classify it as a competitive company and waive certain statutes and rules as authorized by Sections 392.361 and 392.420, RSMo. ATGI also requested a protective order be issued to protect the highly confidential financial information provided as part of the application, and the Commission granted the request on May 24, 2000. ATGI is a Delaware corporation with principal offices located at 110 Stony Point Road, Second Floor, Santa Rosa, California 95401.

¹ All statutory references are to Revised Statutes of Missouri 1994 unless otherwise indicated.

On September 5, 2000, ATGI notified the Commission in Case No. TO-2001-132 of a change in its corporate name from Advanced TelCom Group, Inc. to Advanced TelCom, Inc. (ATI), filing a copy of its request in this case, and the Commission issued its order recognizing the corporate change of name on October 3, 2000. Therefore, the Commission finds that it is appropriate to issue any certificates of service authority in the name of ATI, since the corporation is no longer operating under the name ATGI.

The Commission issued a notice and schedule of applicants on April 4, 2000, directing interested parties wishing to intervene to do so by May 4, 2000. On April 18, 2000, Southwestern Bell Telephone Company (SWBT) timely filed its application to intervene, which the Commission granted on May 24, 2000. No other entity intervened. In the same order in which the Commission granted intervention, the Commission also ordered the parties to file a procedural schedule no later than June 23, 2000.

On May 9, 2000, ATI filed a Stipulation and Agreement, which it withdrew on May 11, 2000. No objections were filed to its withdrawal. The Commission will grant ATI leave to withdraw the Stipulation and Agreement filed May 9, 2000. The parties filed a Unanimous Stipulation and Agreement (Agreement), which is included with this order as Attachment 1, on June 20, 2000. On June 23, 2000, the Commission suspended its order directing the parties to file a proposed procedure schedule by June 23, 2000, pending consideration of the parties' Agreement.

The Staff of the Commission (Staff) filed Suggestions in Support of the Stipulation and Agreement on July 17, 2000. In the Agreement, the parties waived their rights to present testimony, cross-examine witnesses, present oral argument or briefs, and to seek rehearing or judicial review. 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 requested a hearing in this case, the Commission may grant the relief requested based on the application.

Discussion

ATI seeks certification to provide basic local telecommunications services in portions of Missouri that are currently served by SWBT, GTE Midwest Incorporated (GTE) and Sprint Missouri, Inc. d/b/a Sprint (Sprint). ATI is not asking for certification in any area that is served by a small incumbent local exchange carrier (ILEC). ATI is requesting that its basic local services be classified as competitive and that the application of certain statutes and regulatory rules be waived.

A. Requirements of Commission Rule 4 CSR 240-2.060(6)

Commission Rule 4 CSR 240-2.060(4) requires an application for certification to provide telecommunications services to include a certificate from the Secretary of State showing that it is authorized to do business in Missouri, a description of the types of service it intends to provide, a description of the exchanges where it will offer service, and a proposed tariff with a 45-day effective date. ATI has provided all the required documentation, except for the proposed tariff. ATI requested a temporary waiver of Commission Rule 4 CSR 240-2.060(6)(C) until it has entered into an interconnection agreement with the underlying local exchange carrier and that agreement has been approved by the Commission. ATI agreed to submit to the Commission for approval a proposed tariff with a minimum 45-day effective date once it is party to the appropriate interconnection agreement. The Agreement provides that ATI will file the tariff in this case and give notice of the tariff filing to all the parties. Along with that filing ATI has agreed to provide a written

disclosure of all interconnection agreements it has entered into which affect its Missouri service areas.

The Commission has found that holding open the certificate case until a tariff is filed may result in the case being left open without activity for an extended period. Therefore, this case will be closed and when ATI files the required tariff it will be assigned a new case number. ATI will be directed to provide the notice and disclosures required by the Agreement when it files its proposed tariff.

B. Basic Local Service Certification

Section 392.455, RSMo Supp. 1999, sets out the requirements for granting certificates to provide basic local telecommunications service to new entrants. A new entrant must: (1) possess sufficient technical, financial and managerial resources and abilities to provide basic local telecommunications service; (2) demonstrate that the services it proposes to offer satisfy the minimum standards established by the Commission; (3) set forth the geographic area in which it proposes to offer service and demonstrate that such area follows exchange boundaries of the incumbent local exchange telecommunications company and is no smaller than an exchange; and (4) offer basic local telecommunications service as a separate and distinct service. In addition, the Commission must give due consideration to equitable access for all Missourians to affordable telecommunications services, regardless of where they live or their income.

ATI submitted as Exhibit III to its application certain financial documentation. Exhibit II to the application lists the names and qualifications of ATI's management team. The parties agreed that ATI

possesses sufficient technical, financial and managerial resources and abilities to provide basic local telecommunications service.

ATI has agreed to provide services that will meet the minimum basic local service standards required by the Commission, including quality of service and billing standards. The parties agreed that ATI proposes to offer basic local services that satisfy the minimum standards established by the Commission.

ATI wishes to be certificated to offer services in all the exchanges presently served by SWBT, GTE and Sprint as described in their basic local tariffs. The parties agreed that ATI has sufficiently identified the geographic area in which it proposes to offer basic local service and that the area follows ILEC exchange boundaries and is no smaller than an exchange.

ATI has agreed to offer basic local telecommunications service as a separate and distinct service and to provide equitable access, as determined by the Commission, for all Missourians within the geographic area in which it will offer basic local services in compliance with Section 392.455(5), RSMo Supp. 1999.

C. Competitive Classification

The Commission may classify a telecommunications provider as a competitive company if the Commission determines it is subject to sufficient competition to justify a lesser degree of regulation. Section 392.361.2. In making that determination, the Commission may consider such factors as market share, financial resources and name recognition, among others. In the matter of the investigation for the purpose of determining the classification of the services provided by

interexchange telecommunications companies within the State of Missouri,
30 Mo. P.S.C. (N.S.) 16 (1989); In the matter of Southwestern Bell
Telephone Company's application for classification of certain services as
transitionally competitive, 1 Mo. P.S.C. 3d 479, 484 (1992). In addition,
all the services a competitive company provides must be classified as
competitive. Section 392.361.3. The Commission has found that whether a
service is competitive is a subject for case-by-case examination and that
different criteria may be given greater weight depending upon the service
being considered. *Id.* at 487.

The parties have agreed that ATI should be classified as a
competitive telecommunications company. The parties have also agreed that
ATI's switched exchange access services may be classified as a competitive
service, conditioned upon certain limitations on ATI's ability to charge
for its access services. ATI has agreed that, unless otherwise ordered by
the Commission, its originating and terminating access rates will be no
greater than the lowest Commission-approved corresponding access rates in
effect for each large ILEC within whose service areas ATI seeks to provide
service. The parties have agreed that the grant of service authority and
competitive classification to ATI should be expressly conditioned on the
continued applicability of Section 392.200, RSMo Supp. 1999, and on the
requirement that any increases in switched access services rates above the
maximum switched access service rates set forth in the agreement shall be
made pursuant to Sections 392.220, RSMo Supp. 1999, and 392.230, rather
than Sections 392.500 and 392.510. In addition, the parties agreed that if
the ILEC, in whose service area ATI is operating, decreases its originating
and/or terminating access service rates, ATI shall file an appropriate
tariff amendment to reduce its originating and/or terminating access rates

within 30 days of the ILEC's reduction of its originating and/or terminating access rates in order to maintain the cap.

The parties agreed that waiver of the following statutes is appropriate: Sections 392.210.2, 392.270, 392.280, 392.290, 392.300.2, 392.310, 392.320, 392.330, and 392.340. The parties also agreed that application of these Commission Rules could be waived: 4 CSR 240-10.020, 4 CSR 240-30.010(2)(C), 4 CSR 240-30.040, 4 CSR 240-32.030(4)(C), 4 CSR 240-33.030, and 4 CSR 240-35.

Findings of Fact

The Missouri Public Service Commission, having considered all of the competent and substantial evidence upon the whole record, makes the following findings of fact:

- A. The Commission finds that competition in the basic local exchange telecommunications market is in the public interest.
- B. The Commission finds that ATI has met the requirements of Commission Rule 4 CSR 240-2.060(6) for applicants for certificates of service authority to provide telecommunications services with the exception of the filing of a tariff with a 45-day effective date.
- C. The Commission finds that ATI has demonstrated good cause to support a temporary waiver of the tariff filing requirement and the waiver shall be granted.
- D. The Commission finds that the local exchange services market is competitive and that granting FCSIII a certificate of service authority to provide local exchange telecommunications services is in the public interest. FCSIII's certificate shall become effective when its tariff becomes effective.

- E. The Commission finds that ATI meets the statutory requirements for provision of basic local telecommunications services and has agreed to abide by those requirements in the future. The Commission determines that granting ATI a certificate of service authority to provide basic local exchange telecommunications services is in the public interest. ATI's certificate shall become effective when its tariff becomes effective.
- F. The Commission finds that ATI is a competitive company and should be granted waiver of the statutes and rules set out in the ordered paragraph below.
- G. The Commission finds that ATI's certification and competitive status should be expressly conditioned upon the continued applicability of Section 392.200, RSMo Supp. 1999, and on the requirement that any increases in switched access services rates above the maximum switched access service rates set forth in the agreement shall be made pursuant to Sections 392.220, RSMo Supp. 1999, and 392.230, rather than Sections 392.500 and 392.510. In addition, the parties agreed that if the ILEC, in whose service area ATI is operating, decreases its originating and/or terminating access service rates, ATI shall file an appropriate tariff amendment to reduce its originating and/or terminating access rates within 30 days of the ILEC's reduction of its originating and/or terminating access rates in order to maintain the cap.

Conclusions of Law

The Missouri Public Service Commission has reached the following conclusions of law:

The Commission has the authority to grant certificates of service authority to provide telecommunications service within the state of Missouri. ATI has requested certification under Sections 392.420 - .440, and Sections 392.410 and .450, RSMo Supp. 1999, which permit the Commission to grant a certificate of service authority where it is in the public interest. Sections 392.361 and .420 authorize the Commission to modify or suspend the application of its rules and certain statutory provisions for companies classified as competitive or transitionally competitive.

The federal Telecommunications Act of 1996 and Section 392.455, RSMo Supp. 1999, were designed to institute competition in the basic local exchange telecommunications market in order to benefit all telecommunications consumers. See Section 392.185, RSMo Supp. 1999.

The Commission has the legal authority to accept a stipulation and agreement as offered by the parties as a resolution of the issues raised in this case, pursuant to Section 536.060, RSMo Supp. 1999. Based upon the Commission's review of the applicable law and the Agreement of the parties, and upon its findings of fact, the Commission concludes that the Unanimous Stipulation and Agreement should be approved.

IT IS THEREFORE ORDERED:

1. That the Unanimous Stipulation and Agreement of the parties, filed on June 20, 2000, is approved.

2. That Advanced TelCom, Inc. is granted a certificate of service authority to provide local exchange telecommunications services in the state of Missouri, subject to the conditions of certification set out above and to all applicable statutes and Commission rules except as specified in this order. The certificate of service authority shall become effective when ConnectSouth Communications of Missouri, Inc.'s tariff becomes effective.

3. That Advanced TelCom, Inc. is granted a certificate of service authority to provide basic local telecommunications services in the state of Missouri, subject to the conditions of certification set out above and to all applicable statutes and Commission rules except as specified in this order. The certificate of service authority shall become effective when Advanced TelCom, Inc.'s tariff becomes effective.

4. That Advanced TelCom, Inc. 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
392.270	-	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

5. That the request for waiver of Commission Rule 4 CSR 240-2.060(6)(C), which requires the filing of a 45-day tariff, is granted.

6. That Advanced TelCom, Inc. shall file tariff sheets with a minimum 45-day effective date reflecting the rates, rules, regulations and the services it will offer within 30 days after the effective date of a Commission order approving an interconnection agreement that will allow Advanced TelCom, Inc. to provide services. The tariff shall include a listing of the statutes and Commission rules waived above.

7. That Advanced TelCom, Inc. shall give notice of the filing of the tariffs described above to all parties or participants in this case. In addition, Advanced TelCom, Inc. shall file a written disclosure of all interconnection agreements which affect its Missouri service areas, all portions of Missouri service areas for which it does not have an interconnection agreement, and an explanation of why no interconnection agreement is necessary for those areas.

8. That Advanced TelCom, Inc.'s certification and competitive status are expressly conditioned upon the continued applicability of Section 392.200, RSMo Supp. 1999, and on the requirement that any increases in switched access service rates above the maximum switched access service rates set forth in the agreement shall be made pursuant to Sections 392.220, RSMo Supp. 1999, and 392.230, rather than Sections 392.500 and 392.510. Further, if the ILEC, in whose service area Advanced TelCom, Inc. is operating, decreases its originating and/or terminating access service rates, Advanced TelCom, Inc. shall file an appropriate tariff amendment to reduce its originating and/or terminating access rates within 30 days of the ILEC's reduction of its originating and/or terminating access rates in order to maintain the cap.

9. That Advanced TelCom, Inc.'s motion for withdrawal of the Stipulation and Agreement filed on May 11, 2000, is granted.

10. That the Commission's May 24, 2000, order directing the parties to file a proposed procedural schedule, which was suspended on June 23, 2000, is canceled.

11. That this order shall become effective on October 15, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Shelly A. Register, Regulatory Law
Judge, by delegation of authority
pursuant to Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 5th day of October, 2000.

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

FILED²
JUN 20 2000

Missouri Public
Service Commission

In the Matter of the Application of)
Advanced TelCom Group, Inc. for a Certificate)
of Service Authority to Provide Basic Local)
Telecommunications Service in Portions)
of the State of Missouri and to Classify)
said Service as Competitive)

Case No. TA-2000-607

UNANIMOUS STIPULATION AND AGREEMENT

1. Advanced TelCom Group, Inc. ("ATGI" or "Applicant") initiated this proceeding on February 7, 2000, by filing an Application requesting a certificate of service authority to provide basic local exchange telecommunications service and exchange access service in exchanges currently served by Southwestern Bell Telephone Company ("SWBT"), GTE Midwest Incorporated ("GTE"), and Sprint Missouri, Inc. d/b/a Sprint ("Sprint").

2. The Commission has granted the timely application to intervene of SWBT. GTE and Sprint did not seek and have not been granted intervention in this proceeding.

3. For purposes of this Unanimous Stipulation and Agreement, the parties agree that applications for basic local exchange service authority in exchanges served by "large" local exchange companies (LECs)¹ should be processed in a manner similar to that in which applications for interexchange and local exchange authority are currently handled.

4. In determining whether ATGI's application for a certificate of service authority should be granted, the Commission should consider ATGI's technical, financial

¹ Large LECs are defined as LECs who serve 100,000 or more access lines. Section 386.020 RSMo. Supp. 1999. In Missouri, the current large LECs are SWBT, GTE and Sprint.

and managerial resources and abilities to provide basic local telecommunications service. ATGI must demonstrate that the basic local services it proposes to offer satisfy the minimum standards established by the Commission, including but not limited to the Applicant agreeing to file and maintain basic local service tariff(s) with the Commission in the same manner and form as the Commission requires of incumbent local exchange telecommunications companies with which the applicant seeks to compete. Further, ATGI agrees to meet the minimum basic local service standards, including quality of service and billing standards, as the Commission requires of the incumbent local exchange telecommunications companies with which the applicant seeks to compete. Notwithstanding the provisions of Section 392.500 RSMo., as a condition of certification and competitive classification, ATGI agrees that, unless otherwise ordered by the Commission, the Applicant's originating and terminating access rates will be no greater than the lowest Commission approved corresponding access rates in effect for each large incumbent LEC within whose service area(s) Applicant seeks authority to provide service. Additionally, ATGI agrees that if the ILEC, in whose service area the Applicant is operating, decreases its originating and/or terminating access service rates, ATGI shall file an appropriate tariff amendment to reduce its originating and/or terminating access rates within thirty (30) days of the ILEC's reduction of its originating and/or terminating access rates in order to maintain the cap. Further, ATGI agrees to offer basic local telecommunications service as a separate and distinct service and must sufficiently identify the geographic service area in which it proposes to offer basic local service. Such area must follow exchange boundaries of the incumbent local exchange telecommunications companies in the same area and must be no smaller than an exchange. Finally, ATGI agrees to provide equitable access to affordable

telecommunications services, as determined by the Commission, for all Missourians within the geographic area in which it proposes to offer basic local service, regardless of residence or their income. See Section 392.455 RSMo. (1999 Supp.)

5. ATGI has submitted its application without tariffs and seeks a temporary waiver of 4 CSR 240-2.060(6)(C). ATGI has not obtained approved Resale Agreements with SWBT, Sprint, or GTE.² ATGI agrees to file its initial tariffs in this certification docket and serve all parties thereto with written notice at the time the initial tariffs are submitted to afford them an opportunity to participate in the tariff approval process. Copies of the tariff(s) will be provided by Applicant to such parties immediately upon request. Any service authority shall be regarded as conditional and shall not be exercised until such time as tariffs for services have become effective. When filing its initial basic local tariff, ATGI shall also file and serve a written disclosure of all resale and/or interconnection agreements which affect its Missouri service areas, all portions of its Missouri service areas for which it does not have a resale and/or interconnection agreement with the incumbent local exchange carrier, and its explanation of why such a resale and/or interconnection agreement is unnecessary for such areas.

6. ATGI has, pursuant to Section 392.420 RSMo., requested that the Commission waive the application of any or all of the following statutory provisions and rules to basic local telecommunications services, and all parties agree that the Commission should grant such request provided that Section 392.200 RSMo., should continue to apply to all ATGI's services:

² Good cause for failure to file proposed tariffs with the Application must be shown. The lack of approved interconnection agreement (47 U.S.C. §252) constitutes good cause.

STATUTORY PROVISIONS

COMMISSION RULES

Section 392.210.2
Section 392.270
Section 392.280
Section 392.290
Section 392.300.2
Section 392.310
Section 392.320
Section 392.330
Section 392.340

4 CSR 240-10.020
4 CSR 240-30.010(2)(C)
4 CSR 240-30.040
4 CSR 32.030(4)(C)
4 CSR 240-33.030
4 CSR 240-35

7. In negotiating the remaining provisions of this Unanimous Stipulation and Agreement, the parties have employed the foregoing standards and criteria, which are intended to meet the requirements of existing law and Sections 392.450 and 392.455 RSMo., regarding applications for certificates of local exchange service authority to provide or resell basic local telecommunications services.

ATGI'S CERTIFICATION

8. ATGI has submitted as Appendix B to its Application a listing of the specific exchanges in which it seeks authority to provide service. The exchanges identified are those currently served by SWBT, GTE and Sprint. ATGI hereby agrees that its Application should be deemed further amended as required to include by reference the terms and provisions described in paragraphs 4-6 hereinabove and paragraph 11 below to the extent that its Application might be inconsistent therewith.

9. Based upon its verified Application, as amended by this Unanimous Stipulation and Agreement, ATGI asserts and no other party makes a contrary assertion, that there is sufficient evidence from which the Commission should find and conclude that ATGI:

A. possesses sufficient technical, financial and managerial resources and abilities to provide basic local telecommunications service and local exchange telecommunications service, including exchange access service;

B. proposes and agrees to offer basic local services that will satisfy the minimum standards established by the Commission;

C. has sufficiently identified the geographic area in which it proposes to offer basic local service and such area follows exchange boundaries of the incumbent local exchange telecommunications companies in the same areas, and such area is no smaller than an exchange;

D. will offer basic local telecommunications services as a separate and distinct service;

E. has agreed to provide equitable access to affordable basic local telecommunications services as determined by the Commission for all Missourians within the geographic area in which it proposes to offer basic local service, regardless of where they live or their income; and

F. has sought authority which will serve the public interest.

10. ATGI asserts, and no party opposes, that ATGI's application and request for authority to provide basic local telecommunications service and local exchange telecommunications service (including exchange access service) should be granted. All services authorized herein should be classified as competitive telecommunications services, provided that the requirements of Section 392.200 continue to apply, and ATGI shall remain classified as a competitive telecommunications company. ATGI asserts, and no party opposes, that such services will be subject to sufficient competition by the services of the incumbent LECs to justify a lesser degree of regulation of ATGI's

services consistent with the protection of ratepayers and the promotion of the public interest. Such classification should become effective upon the tariffs for the services becoming effective. Such authority should be conditional, not to be exercised until such time as tariffs for those services have been filed (together with the written disclosure as stipulated above) and have become effective.

The Commission's Order should state the foregoing conditions substantially as follows:

"The service authority and service classification herein granted are subject to the requirements of Section 392.200 RSMo., and are conditional and shall not be exercised until such time as tariffs for services have become effective."

The parties agree that the Applicant's switched exchange access services may be classified as competitive services. The parties further agree that the Applicant's switched exchange access services are subject to Section 392.200 RSMo. Unless otherwise determined by the Commission, any increases in intrastate-switched access service rates above the maximum switched access service rates as set forth in Paragraph 4 herein shall be made pursuant to Sections 392.220 and 392.230 RSMo., and not Sections 392.500 and 392.510 RSMo. ATGI agrees that if the ILEC, in whose service area ATGI is operating, decreases its originating and/or terminating access service rates, ATGI shall file an appropriate tariff amendment to reduce its originating and/or terminating access rates within thirty (30) days of the ILEC's reduction of its originating and/or terminating access rates in order to maintain the cap. The Commission's order should state the foregoing conditions substantially as follows:

"The service authority and service classification for switched exchange access granted herein is expressly conditioned on the continued applicability of Section 392.200 RSMo., and the requirement that any increases in switched access service

rates above the maximum switched access service rates set forth herein shall be made pursuant to Sections 392.220 and 392.230 RSMo., and not Sections 392.500 and 392.510 RSMo. Further, if the ILEC, in whose service area ATGI is operating, decreases its originating and/or terminating access service rates, ATGI shall file an appropriate tariff amendment to reduce its originating and/or terminating access rates within thirty (30) days of the ILEC's reduction of its originating and/or terminating access rates in order to maintain the cap."

11. ATGI's request for a temporary waiver of 4 CSR 240-2.060(6)(C), which requires applications to include a proposed tariff with a 45-day effective date, is not opposed by the parties and should be granted because, at the time of the filing of the application, ATGI does not yet have approved resale or interconnection agreements with SWBT, Sprint and GTE. ATGI agrees that at such time as all facts necessary for the development of tariffs become known, it will submit tariffs in this docket, with a minimum 45-day proposed effective date, to the Commission for its approval, together with the written disclosure as stipulated above. ATGI shall serve notice to all parties and participants in this docket of the filing of its tariffs at the time they are filed with the Commission and serve them with the aforesaid written disclosure and shall upon request immediately provide any party with a copy of those tariffs. The Commission's order should state these obligations as conditions to the waiver of 4 CSR 240-2.060(6)(C), substantially as follows:

"Applicant's request for waiver of 4 CSR 240-2.060(6)(C) is hereby granted for good cause in that applicant does not yet have approved resale or interconnection agreements with the incumbent local exchange carriers within whose service areas it seeks authority to provide service; provided, when

applicant submits its tariffs in this docket to the Commission, such tariffs shall have a minimum of a 45-day effective date and the applicant shall serve written notice upon the parties hereto of such submittal, and shall provide copies of such tariffs to such parties immediately upon request. When filing its initial basic local tariff in this docket, the applicant shall also file and serve upon the parties hereto a written disclosure of: all resale and/or interconnection agreements which affect its Missouri service areas; all portions of its Missouri service areas for which it does not have a resale and/or interconnection agreement with the incumbent local exchange carrier; and its explanation of why such a resale and/or interconnection agreement is unnecessary for any such areas.”

12. ATGI’s request for waiver of the applications of the following rules and statutory provisions as they relate to the regulation of ATGI’s new services should be granted:

STATUTORY PROVISIONS

COMMISSION RULES

Section 392.210.2
Section 392.270
Section 392.280
Section 392.290
Section 392.300.2
Section 392.310
Section 392.320
Section 392.330
Section 392.340

4 CSR 240-10.020
4 CSR 240-20.010(2)(C)
4 CSR 240-30.040
4 CSR 240-32.030(4)(C)
4 CSR 240-33.030
4 CSR 240-35

13. This Unanimous Stipulation and Agreement has resulted from extensive negotiations among the signatories and the terms hereof are interdependent. In the event the Commission does not adopt this Stipulation in total, then this Unanimous Stipulation and Agreement shall be void and no signatory shall be bound by any of the agreements or provisions hereof. The Stipulations herein are specific to the resolution of this

proceeding and are made without prejudice to the rights of the signatories to take other positions in other proceedings.

14. In the event the Commission accepts the specific terms of this Unanimous Stipulation and Agreement, the parties and participants waive, with respect to the issues resolved herein: their respective rights pursuant to Section 536.080.1, RSMo., to present testimony, to cross-examine witnesses, and to present oral argument or written briefs; their respective rights to the reading of the transcript by the Commission pursuant to Section 536.080.2 RSMo.; and their respective rights to seek rehearing pursuant to Section 386.500 RSMo.; and to seek judicial review pursuant to Section 386.510, RSMo. The parties agree to cooperate with the Applicant and with each other in presenting this Unanimous Stipulation and Agreement for approval to the Commission and shall take no action, direct or indirect, in opposition to the request for approval of the ATGI application made herein.

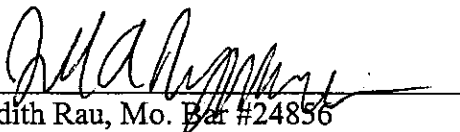
15. The Staff shall file suggestions or a memorandum in support of this Unanimous Stipulation and Agreement and the other parties shall have the right to file responsive suggestions or prepared testimony. All responsive suggestions, prepared testimony, or memorandum shall be subject to the terms of any Protective Order that may be entered in this case.

16. The Staff shall also have the right to provide, at any agenda meeting at which this Unanimous Stipulation and Agreement is noticed to be considered by the Commission, whatever oral explanation the Commission requests, provided that the Staff shall, to the extent reasonably practicable, provide the other parties and participants with advance notice of when the Staff shall respond to the Commission's request for such explanation once such explanation is requested from the Staff. Staff's oral explanation shall be subject to public disclosure, except to the extent it refers to matters that are privileged or protected from disclosure pursuant to any protective order issued in this case.

17. ATGI will comply with all applicable Commission rules and regulations except those which are specifically waived by the Commission.

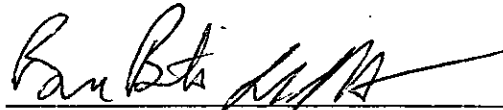
18. The Office of the Public Counsel is a signatory to this Unanimous Stipulation and Agreement for the sole purpose of stating that it has no objection to this Unanimous Stipulation and Agreement.

WHEREFORE, the signatories respectfully request the Commission to issue its Order approving the terms of this Unanimous Stipulation and Agreement and issue its Order granting authority and classification and waiving certain statutes and rules as requested by ATGI, subject to the conditions described above, as expeditiously as possible.



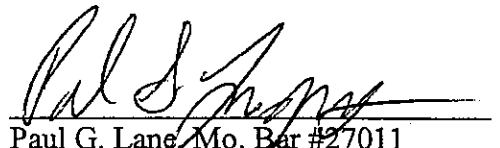
Judith Rau, Mo. Bar #24836
Rau & Rau
Attorneys at Law
119 East Mill Street
Waterloo, Illinois
Phone: 618-939-7186
Fax: 618-939-7185

FOR: Advanced TelCom Group, Inc.



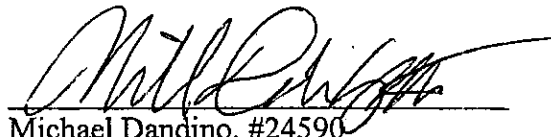
Bruce Bates, Mo. Bar #35442
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FOR: Staff of the Public Service
Commission



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Anthony K. Conroy, Mo. Bar #35199
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Southwestern Bell Telephone Company
One Bell Center, Rm. 3510
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Phone: 314-235-4094
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FOR: Southwestern Bell Telephone
Company

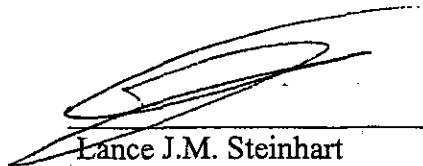


Michael Dandino, #24590
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Phone: 573-751-5559
Fax: 573-751-5562

FOR: Staff of the Public Counsel

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Unanimous Stipulation and Agreement was served upon the following persons by depositing a true copy thereof in the United States Mail, postage prepaid, or by hand delivery, this 20th day of June, 2000.


Lance J.M. Steinhart

Bruce Bates
Assistant General Counsel
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

Mimi B. MacDonald
Southwestern Bell Telephone Company
One Bell Center, Rm. 3510
St. Louis, Missouri 63101

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10/9/00

TA-2000-607
CASE NO.

JS
Lumpe, Chair

Albert
Drainer, Vice Chair

on
Murray, Commissioner

RS
Schemenauer, Commissioner

Albert
Simmons, Commissioner

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 5th day of Oct. 2000.

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

