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SHEILA LUMPE
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STEVE GAW

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY, MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.psc.state.mo.us>
June 22, 2001

WESS A. HENDERSON
Director, Utility Operations

ROBERT SCHALLENBERG
Director, Utility Services

DONNA M. KOLILIS
Director, Administration

DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

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

FILED²

JUN 22 2001

Missouri Public
Service Commission

RE: Case No. TA-2000-783 – In the Matter of the Application of Snappy Phone of Texas, Inc. d/b/a/ Snappy Phone for a Certificate of Authority to Provide Basic Local and Interexchange Telecommunications Services within the State of Missouri and to Classify Said Services and the Company 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
(573) 751-7489
(573) 751-9285 (Fax)
nwilliams@mail.state.mo.us

Enclosure

cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

JUN 22 2001

Missouri Public
Service Commission

In the Matter of the Application of Snappy)
Phone of Texas, Inc. d/b/a Snappy Phone)
for a Certificate of Authority to Provide)
Basic Local and Interexchange)
Telecommunications Services within the)
State of Missouri and to Classify Said)
Services and the Company as)
Competitive.)

Case No. TA-2000-783

STAFF RECOMMENDATION

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

1. On October 26, 2000, the Commission issued its order amending the Certificate of Authority to Provide Basic Local Telecommunications Services it issued to Snappy Phone of Texas d/b/a Snappy Phone ("Snappy Phone) in Case No. TA-2000-272. The amendment expanded Snappy Phone's service area to include authority in exchanges served by GTE Midwest, Inc. (now d/b/a Verizon Midwest) and Sprint Missouri, Inc. The expanded service authority was conditioned upon Snappy Phone filing appropriate tariff sheets within 30 days of November 4, 2000.

2. Snappy phone did not file tariff sheets by December 4, 2000 and on January 4, 2001 the Commission directed Snappy Phone to file a status report informing the Commission of when it did intend to file the order compliant tariff sheets.

3. On February 6, 2001, Snappy Phone filed a letter advising the Commission it intended to file tariff sheets on March 1, 2001. Snappy Phone filed proposed tariff sheets on February 22, 2001 and then withdrew them by letter filed March 2, 2001. On June 12, 2001 the


Commission issued its second order directing filing ordering Snappy Phone to file by June 26, 2001 either proposed tariff sheets or an appropriate pleading updating the Commission as to the status of the filing of the proposed tariff sheets. On June 14, 2001 Snappy Phone filed its proposed tariff sheets with a proposed effective date of July 30, 2001.

4. In the attached Memorandum, which is labeled Appendix A, the Staff recommends that the Missouri Public Service Commission approve the local exchange services tariff of Snappy Phone, Missouri P.S.C. Tariff No. 2, Original Sheets Nos. 1-32 effective July 30, 2001. The Staff has reviewed the foregoing tariff sheets and believes that they comply with the Commission's Order Amending Certificate of Authority to Provide Basic Local Telecommunications Services issued October 26, 2000, in the instant case.

WHEREFORE, the Staff recommends that the Missouri Public Service Commission approve Snappy Phone Missouri PSC Tariff No. 2, Original Sheets Nos. 1-32 with an effective date of July 30, 2001.

Respectfully submitted,

DANA K. JOYCE
General Counsel

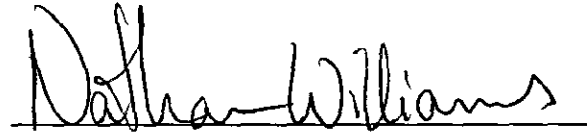
A handwritten signature in dark ink, appearing to read "Nathan Williams", is written over a horizontal line.

Nathan Williams
Associate General Counsel
Missouri Bar No. 35512

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-8702 (Telephone)
(573) 751-9285 (Fax)
nwilliam@mail.state.mo.us (E-mail)

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 22nd day of June, 2001.



Service List for
Case No. TA-2000-783
Verified: June 22, 2001

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

Richard S. Brownlee, III
Patricia D. Perkins
Hendren and Andrae, L.L.C.
221 Bolivar Street
P.O. Box 1069
Jefferson City, MO 65102

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No: TA-2000-783 File No: 200101185
Applicant: Snappy Phone of Texas, Inc. d/b/a Snappy Phone

From: Tom Solt
Telecommunications Department

Brie Dayhoff 6-21-01 *Man Porton* 6/22/01 NW 6/22/07
Utility Operations Division/Date General Counsel's Office/Date

Subject: Staff Recommendation for Approval of Certificate and/or Initial Tariff

Date: 6/19/01

Filing Deadline: 7/19/01 (by 4:00 pm 7 working days prior to proposed effective date)

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 basic local exchange telecommunications services. Granting the certificate should be based on the following conditions:

1. The applicant's originating and terminating access rates will be no greater than the lowest Commission approved corresponding access rates in effect for each ILEC within whose service area the applicant seeks authority to provide service, unless authorized by the Commission pursuant to Sections 392.220 and 392.230 RSMo.
2. The certificate and service classification for switched access service is conditioned on the continued applicability of Section 392.200 RSMo, and the requirement that any increases in switched access services 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.
3. If the directly competing ILEC, in whose service area the applicant is operating, decreases its originating and/or terminating access service rates, the applicant shall file an appropriate tariff amendment to reduce its originating and/or terminating access rates in the directly competing ILEC's service area within 30 days of the directly competing ILEC's reduction of its originating and/or terminating access rates in order to maintain the cap.

☐ (Check, if applicable) Grant the request for waiver of 4 CSR 2.060(6)(C), which requires the filing of a tariff with an effective date not fewer than 45 days from the issue date. The applicant can not lawfully provide service until tariffs are 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.

☒ No objection to tariff taking effect Missouri PSC Tariff No. 2 (indicate PSC MO numbers) 7/30/01 Effective Date

Staff recommends the applicant and its services receive competitive classification. In addition, Staff recommends approval of the waivers listed in the Notice.

☐ There is an attachment to this recommendation.

06-21-01 P03:23 OUT

Appendix A

Review Items for IXC, Non-switched Local and CLEC Certificate Applications (as required by 4 CSR 240-2.060):

- ☐ Proper Secretary of State authorization
- ☐ Statement of character of business performed.
- ☐ Statement declaring no pending action or final unsatisfied judgments
- ☐ Statement declaring no overdue annual reports/assessment fees (if already certificated).
- ☐ Application includes an affidavit.
- ☐ The applicant is requesting waivers of rules or statutes previously granted to a competitively classified company

(as required by 392.430/.440):

- ☐ Application shows that grant of authority is in the public interest.

Additional Review Items for CLEC Applications (as required by 392.455):

- ☐ Possesses sufficient technical, financial and managerial resources and abilities.
- ☐ Identifies geographic area (no smaller than an exchange).
- ☐ Statement that applicant will offer basic local service as a separate and distinct service.
- ☐ Statement that applicant will give equitable access to all Missourians.

Tariff Review Items (applicable for all competitively classified companies):

- ☒ Properly formatted: (Company name, PSC MO No., Page #, Page revision #, proposed effective date)
- ☒ Identifies competitive classification.
- ☒ Identifies waivers granted.
- ☐ ICB pricing, if proposed, limited for private line, special access or Centrex-like services. (392.200(8)).
- ☒ Proposed rates do not establish geographic deaveraged rates (if not checked, explain in attachment). (392.200(4)).
- ☐ If an alternative operator service provider (receives more than 40% of revenues from traffic aggregators) operator service rates do not exceed: Person-to-Person (\$10.00), Station-to-Station/card (\$5.50). (392.515(1))

Tariff Review Items (applicable only for CLECs):

- ☒ Interconnection agreement approved (if not checked, explain in attachment).
- ☒ Tariff clearly indicates areas offering local service area (392.451.2(1)
(SWB, X Verizon, X Sprint, Spectra, Other .)
- ☒ Tariff offers local service as a separate and distinct service. (392.455(4))
- ☐ Switched access rates capped at ILEC's rates.