

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>2</sup>  
MAR 27 2000

Missouri Public  
Service Commission

In the Matter of the Application of Ionex )  
Communications, Inc., for a Certificate of )  
Service Authority to Provide Basic Local )  
Telecommunications Service, for Waiver of )  
Certain Statutory and Regulatory Provisions, )  
And for Designation as a Competitive )  
Telecommunications Company. )

Case No. TR-2000-600

**APPLICATION OF IONEX COMMUNICATIONS, INC., FOR A  
CERTIFICATE OF SERVICE AUTHORITY TO PROVIDE  
BASIC LOCAL TELECOMMUNICATIONS SERVICE AND FOR  
DESIGNATION AS A COMPETITIVE TELECOMMUNICATIONS COMPANY**

Comes now Ionex Communications, Inc., by its undersigned counsel, and pursuant to Ch. 392.361, .420, and .430 RSMo 1994, and Ch. 392.410 and .450 RSMo 1996, applies for a certificate of service authority to provide basic local telecommunications service in Missouri, for designation as a competitive telecommunications company, and for waiver of certain statutes and regulations. In support of its application, Ionex Communications, Inc., states the following:

1. Ionex Communications, Inc. ("Ionex" or "Applicant") is a Kansas corporation, duly authorized and in good standing to do business in the State of Missouri. A copy of Ionex's certificate of good standing is attached hereto as Exhibit A. Applicant's principal place of business is located at 5710 LBJ Freeway, Suite 215, Dallas, Texas 75240, and its telephone number is 972/392-4601.

2. All communications, notices, orders, and pleadings in this matters should be directed to the following:

Mark P. Johnson  
Lisa C. Creighton  
Sonnenschein Nath & Rosenthal  
4520 Main Street  
Suite 1100  
Kansas City, MO 64111  
816/932-4400  
816/531-7545 (fax)

Sue E. Weiske  
General Counsel  
Ionex Communications, Inc.  
5710 LBJ Freeway  
Suite 215  
Dallas, TX 75240  
972/392-4601  
972/392-0654 (fax)

Ms. Weiske will be the contact person for Applicant.

3. Applicant seeks Commission approval of its provision of basic local telecommunications service in all Missouri exchanges currently served by incumbent local exchange carriers Southwestern Bell Telephone Company ("SWBT"), Sprint/United Telephone Company ("United") and GTE Midwest, Inc. ("GTE"). The SWBT, United and GTE exchanges within which Applicant proposes to offer service include all exchanges listed in the local exchange tariffs of those companies on file with and approved by the Commission. Applicant may seek authority to provide this service in other areas of the state in a subsequent proceeding, but at present seeks no authority to provide service in any rural exchange in Missouri. Applicant proposes to complement its existing provision of local exchange and interexchange services to Missouri customers.

4. On November 19, 1999, Applicant's parent, Ionex Telecommunications, Inc., acquired Feist Long Distance Service, Inc. ("Feist"), which was a certificated provider of local exchange and interexchange services in Missouri, from Advanced Communications Group, Inc. ("Advanced"). The Commission granted to Feist a certificate to provide local exchange and

interexchange services, and approved its tariff to provide such services, by Order dated March 23, 1998, in Case No. TA-93-332. Further, by Order dated December 14, 1999, in Case No. TO-2000-274, the Commission approved the assignment to Feist of the interconnection agreement between Advanced and Southwestern Bell Telephone Company. The Commission approved the name change of Feist to Ionex Communications, Inc., by Order dated March 7, 2000, effective March 17, 2000, in Case No. TO-2000-518.

5. Initially, Applicant intends to deploy collocations with soft switch technology to provide basic local telecommunications data and voice communications services to small and medium-sized businesses which currently lack affordable alternative for such services. Applicant intends to continue to offer both local exchange and interexchange services through use of its own equipment and facilities and resold services of other carriers.

6. As required by 4 CSR 240-2.060(4)(H), Applicant files herewith as Exhibit B its proposed tariff for basic local telecommunications services. Applicant's proposed tariff bears a 45-day effective date.

7. Applicant's management has substantial experience in the telecommunications industry. Biographical profiles of those managers are attached as Exhibit C, and they amply demonstrate that Applicant's Missouri operations will be capably administered.

8. Applicant agrees to comply with all applicable statutes and Commission rules and regulations, and to comply with all relevant service standards including, but not limited to, billing, quality of service, and tariff filing and maintenance. However, Applicant requests pursuant to Ch. 392.440, RSMo, that the Commission waive the following rules and statutory provisions, to the extent that these rules and statutory provisions have previously been waived for other providers of basic local telecommunications services:

Statutes

Missouri Public Service Commission Rules

392.210.2  
392.270  
392.280  
392.290.1  
392.300.2  
392.310  
392.320  
392.330  
392.340

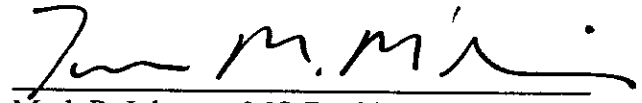
4 CSR 240-10.020  
4 CSR 240-30.040  
4 CSR 240-35

9. Applicant requests classification as a competitive telecommunications company. The Commission has routinely designated the services which Applicant proposes to offer as fully competitive, upon verified application and without an evidentiary hearing. The basic local telecommunications services which Applicant proposes to offer are subject to sufficient competition from other carriers to justify a lesser degree of regulation. Designating Applicant as a competitive telecommunications company will increase the price and service options for Missouri consumers, and will be consistent with the Commission's treatment of other providers of similar services.

10. Applicant also requests that certain financial information which it is providing to the Commission in support of this Application be treated as confidential and protected from public disclosure. As a consequence, Applicant is filing a Motion for Protective Order, to which it has attached in a sealed envelope the competitively sensitive information, designated Confidential Exhibit D to this Application. In that Motion Applicant is requesting that the Commission allow this material to be filed under seal.

WHEREFORE, Ionex Communications, Inc., respectfully requests that the Commission grants its Application for a Certificate of Service Authority to provide basic local telecommunications services, approve its tariff, and designate Ionex as a competitive telecommunications company.

Respectfully submitted,



Mark P. Johnson, MO Bar No. 30740  
Lisa C. Creighton, MO Bar No. 42194  
Todd M. McGuire, MO Bar No. 51361  
Sonnenschein Nath & Rosenthal  
4520 Main Street, Suite 1100  
Kansas City, Missouri 64111  
(816) 932-4400 (Telephone)  
(816) 531-7545 (Facsimile)

ATTORNEY FOR APPLICANT  
IONEX COMMUNICATIONS, INC.

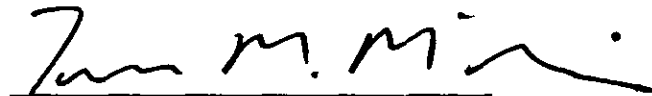
Dated: March 24, 2000

VERIFICATION

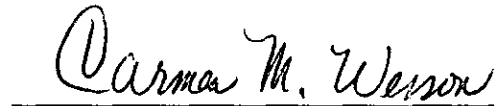
STATE OF MISSOURI     )  
  ) ss.  
COUNTY OF JACKSON    )

COMES NOW Todd M. McGuire, being of lawful age and duly sworn, swears and affirms as follows:

1. My name is Todd M. McGuire, and I am the attorney for Ionex Communications, Inc. In that capacity I am authorized to verify this Application and the information contained therein on behalf of Ionex Communications, Inc.
  
2. The information contained herein is true and accurate to the best of my knowledge and belief.

  
\_\_\_\_\_  
Todd M. McGuire

Subscribed and sworn to before me this 24<sup>th</sup> day of March, 2000.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

**CARMEN M. WESSON  
NOTARY PUBLIC STATE OF MISSOURI  
CLAY COUNTY  
MY COMMISSION EXP. MARCH 23, 2000**

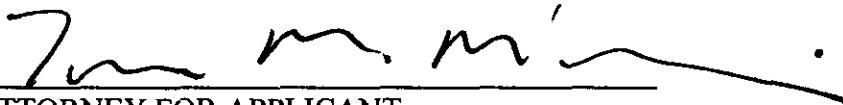
**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 24<sup>th</sup> day of March, 2000, two true and correct copies of the above and foregoing were forwarded via Federal Express to:

Office of Public Counsel  
301 West High Street  
Suite 250  
Jefferson City, Missouri 65101

With one copy being forwarded via Federal Express on the same date to:

Office of General Counsel  
Missouri Public Service Commission  
301 West High Street  
Room 530  
Jefferson City, Missouri 65101



\_\_\_\_\_  
ATTORNEY FOR APPLICANT  
IONEX COMMUNICATIONS, INC.