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ATTORNEY AT LAW  
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101 WEST McCARTY, SUITE 215  
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TELEPHONE (573) 636-6758  
FAX (573) 636-0383

November 23, 1999

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P.O. Box 3660  
Jefferson City, Missouri 65102

FILED<sup>2</sup>

NOV 23 1999

Missouri Public  
Service Commission

TA-2000-342

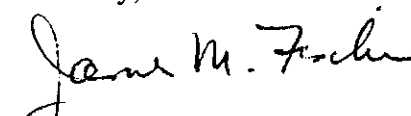
RE: *In re: The Application of Legacy Long Distance International, Inc. for a Certificate of Service Authority to Provide Competitive Intrastate Interexchange Telecommunications Service and Alternative Operator Services in Missouri*

Dear Mr. Roberts:

Enclosed are the original and fourteen (14) copies of the Application of Legacy Long Distance International, Inc. for filing in the above-referenced matter. A copy of the foregoing Application has been hand-delivered or mailed this date to parties of record.

Thank you for your attention to this matter.

Sincerely,

  
James M. Fischer

/jr  
Enclosures

cc: Office of the Public Counsel

0000481

BEFORE THE PUBLIC SERVICE COMMISSION  
THE STATE OF MISSOURI

FILED<sup>2</sup>

NOV 23 1999

Missouri Public  
Service Commission

In re: The Application of )  
**Legacy Long Distance International, Inc.** )  
for a Certificate of Service Authority to Provide )  
Competitive Intrastate Interexchange )  
Telecommunications Service and Alternative )  
Operator Services in Missouri )

Case No. TA-2000-342

APPLICATION

Legacy Long Distance International, Inc. ("Legacy") requests a Certificate of Service Authority to provide competitive intrastate interexchange telecommunications services and alternative operator services between and among locations within the state of Missouri pursuant to Sections 392.410 and 392.440, RSMo 1994<sup>1</sup>, an order classifying Applicant as a competitive telecommunications carrier, and an order waiving or suspending certain Commission rules and statutory provisions pursuant to Section 392.420. In support of its request, Applicant provides the following information:

1. Applicant is a corporation organized under the laws of California. Its principal office is located at:

Legacy Long Distance International, Inc.  
One World Trade Center, Suite 1460  
Long Beach, California 90831-1000  
Telephone: (800) 577-5534  
Facsimile: (562) 436-9071

A copy of Applicant's Articles of Incorporation and Certificate of Authority to transact business in Missouri are attached hereto as Exhibit I and incorporated herein by reference.

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<sup>1</sup> All statutory references are to Revised Statutes of Missouri 1994, unless otherwise noted.

2

2. Legacy's long distance operations will be provided as a switched telecommunications reseller. Calls will originate, be switched and terminated over the facilities of other carriers. For direct dialed, toll free long distance services and alternative operator services, Legacy utilizes the networks of various certificated carriers, who have been selected for the best combination of quality and price.

Resold telecommunications services offered by Legacy include outbound presubscribed and casual calling service, toll free inbound service, travel card service, and operator assisted services. Services are provided to both residential and business customers. Intrastate service is offered as an add-on to Legacy's interstate service.

Legacy's "1+" service allows Customers to place outbound direct dialed calls. Switched access Customers are presubscribed to the Company via switched access Feature Group D circuits. Customers may choose to use dedicated facilities for call origination. Calls are placed by dialing "1+" and the destination telephone number, including the area code if applicable.

Legacy's Toll Free service is an inward WATS service. This service permits termination of interstate and intrastate calls from diverse geographic locations to customer local exchange lines or to dedicated access facilities. When an 800 "toll-free" service is used, Legacy's Customer is billed for the call rather than the call originator.

Travel Card Service allows Customers to place direct dialed calls to terminating locations from locations other than their normal place of business or residence. An 800 access number must be dialed to reach the Carrier. A Customer-specific authorization code must also be dialed in addition to the destination telephone number.

The primary Customers of Applicant's operator assisted services are companies who in their normal course of business are responsible for providing access and directing telephone calls for large numbers of end users. Most significant are the companies or establishments (subscribers) who place outbound calls for their guests, patients, students or other transient patrons. Applicant's operator assisted services permit callers to place calls using optional billing methods (i.e., collect, third party, or to a calling/credit card). In addition, this service offers operator assistance for person-to-person calling or for operator dialing assistance.

Customers may reach its Customer Service department by dialing (800) 577-5534.

3. The Company's target market includes both residential and business customers. Each Customer is charged individually for each call placed through Legacy.

4. Legacy's statutory representation in the state of Missouri is:

National Registered Agents  
300 B East High Street  
Jefferson City, MO 65101

5. Legacy's underlying carrier is WilTel, Frontier, and MCI/WorldCom. Calls originate over LEC facilities, are transported to Legacy's switch via the above-mentioned underlying carriers, switched by Legacy and then terminated over the underlying carrier's network facilities. Legacy has extensive technical expertise with switch operation and maintenance while relying on the underlying carrier's technical expertise for the operation, maintenance and supervision of the transmission network.

6. Legacy intends to offer its services on a twenty-four (24) hour a day basis, originating and terminating throughout the state of Missouri.

7. Legacy possesses the managerial and technical expertise to provide resale interexchange telecommunications services.

8. Legacy has ample financial resources to operate as a telecommunications provider.

9. Legacy's tariff, which contains the rules and regulations applicable to its customers, a description of the services offered, and a list of rates associated with such services, is being filed simultaneously with this Application, and has a forty-five (45) day effective date.

10. Legacy also requests that the Commission grant it the standard waivers that are normally granted for interexchange carriers in Missouri.

11. Legacy requests classification as a competitive telecommunications company operating within the state of Missouri. Legacy further requests classification of services described in Legacy's tariff as competitive services.

12. Applicant will not unjustly discriminate among its customers, which discrimination is prohibited pursuant to Section 392.200.

13. Applicant, pursuant to Section 386.570, will comply with all applicable Commission rules except those which are specifically waived by the Commission pursuant to a request filed by the Applicant.

14. Correspondence or communications pertaining to this application should be addressed to:

James M. Fischer, Esq.  
JAMES M. FISCHER, P.C.  
101 West McCarty Street, Suite 215  
Jefferson City, Missouri 65101  
Telephone: (573) 636-6758  
Facsimile: (573) 636-0383

15. Applicant also respectfully requests, pursuant to Section 392.420, RSMo (Cum. Supp. 1994), that the Commission suspend, waive or modify the application of the following rules and statutory provisions as they relate to the regulation of the applicant:

4 CSR 240-10.020	Depreciation fund income
4 CSR 240-30.010(2)(C)	Posting of exchange rates at central operating offices
4 CSR 240-30.040	Uniform system of accounts
4 CSR 240-32.030(1)(B)	Exchange area maps and records of access lines
4 CSR 240-32.030(1)(C)	
4 CSR 240-32.030(2)	In-state record keeping
4 CSR 240-32.050(3),	Information concerning local service tariffs, maps,
4 CSR 240-32.050(4),	directories and telephone numbers
4 CSR 240-32.050(5), and	
4 CSR 240-32.050(6)	
4 CSR 250-32.070(4)	Coin telephones
4 CSR 240-33.030	Minimum charge rules
4 CSR 240-33.040(5)	Finance fee
Section 392.240(1)	Rates--reasonable average return on investment
Section 392.270	Property valuation
Section 392.280	Depreciation rates
Section 392.290	Issuance of securities

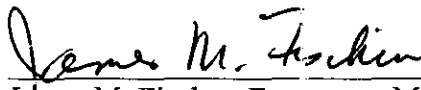
Section 392.310  
Section 392.320  
Section 392.330  
Section 392.340

Issuance of stocks and bonds  
Stock dividends  
Issuance of securities, debt and notes  
Reorganization

The above-referenced rules and statutory provisions have been waived with regard to other interexchange carriers in prior cases. These rules or statutory provisions are principally designed to apply to noncompetitive telecommunications carriers. It would be inconsistent with the goal and purpose of Section 392.530 to apply them to a competitive telecommunications carrier such as the Applicant.

WHEREFORE, Legacy Long Distance International, Inc., respectfully requests the Commission to grant it a Certificate of Service Authority to offer intrastate interexchange telecommunications service to the public in the state of Missouri, an order classifying it as a competitive telecommunications company providing competitive service, and for such further orders as the Commission deems appropriate.

Respectfully submitted,



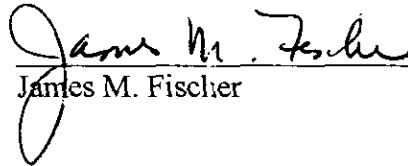
James M. Fischer, Esq. MBN 27543  
JAMES M. FISCHER, P.C.  
101 West McCarty Street, Suite 215  
Jefferson City, Missouri 65101  
Telephone: (573) 636-6758  
Facsimile: (573) 636-0383

Attorney for Applicant

## CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered or mailed, First Class, postage prepaid, this 23<sup>rd</sup> day of November, 1999, to:

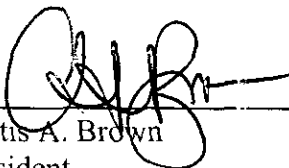
Office of the Public Counsel  
P.O. Box 360  
Jefferson City MO 65102

  
James M. Fischer




# VERIFICATION

I, Curtis A. Brown, acting on behalf of Legacy Long Distance International, Inc., first being duly sworn upon oath depose and say I am President of Legacy Long Distance International, Inc.; that I have read the above and foregoing petition by me subscribed and know the contents thereof; that said contents are true in substance and in fact, except as to those matters stated upon information and belief, and as to those, I believe same to be true.

  
Curtis A. Brown  
President  
Legacy Long Distance International, Inc.

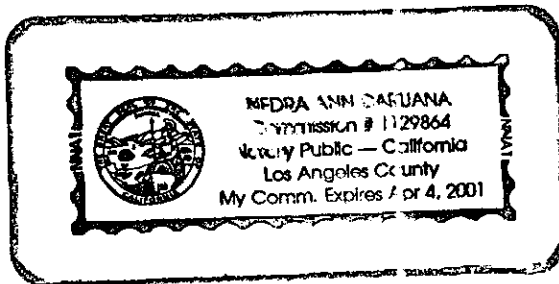
STATE OF CALIFORNIA     )  
  )  
COUNTY OF LOS ANGELES     )

Subscribed and sworn to before me this 8th day of November, 1999.

  
Nedra Ann Caruana  
Notary Public

My Commission Expires:

April 4, 2001



**EXHIBIT I**

**LEGACY LONG DISTANCE INTERNATIONAL, INC.**

**CERTIFICATE OF AUTHORITY TO TRANSACT BUSINESS IN MISSOURI**

**and**

**ARTICLES OF INCORPORATION**

# STATE OF MISSOURI



**Rebecca McDowell Cook**  
**Secretary of State**

## CORPORATION DIVISION - CERTIFICATE OF AUTHORITY

WHEREAS,  
LEGACY LONG DISTANCE INTERNATIONAL, INC.

USING IN MISSOURI THE NAME  
LEGACY LONG DISTANCE INTERNATIONAL, INC.

HAS COMPLIED WITH THE GENERAL AND BUSINESS CORPORATION LAW WHICH GOVERNS FOREIGN CORPORATIONS; BY FILING IN THE OFFICE OF THE SECRETARY OF STATE OF MISSOURI AUTHENTICATED EVIDENCE OF ITS INCORPORATION AND GOOD STANDING UNDER THE LAWS OF THE STATE OF CALIFORNIA.

NOW, THEREFORE, I, REBECCA MCDOWELL COOK, SECRETARY OF STATE OF THE STATE OF MISSOURI, DO HEREBY CERTIFY THAT SAID CORPORATION IS FROM THIS DATE DULY AUTHORIZED TO TRANSACT BUSINESS IN THIS STATE, AND IS ENTITLED TO ALL RIGHTS AND PRIVILEGES GRANTED TO FOREIGN CORPORATIONS UNDER THE GENERAL AND BUSINESS CORPORATION LAW OF MISSOURI.

IN TESTIMONY WHEREOF, I HAVE SET MY HAND AND IMPRINTED THE GREAT SEAL OF THE STATE OF MISSOURI, ON THIS, THE 18TH DAY OF NOVEMBER, 1999.

*Rebecca McDowell Cook*  
Secretary of State



\$155.00



# State of Missouri

Rebecca McDowell Cook, Secretary of State

P.O. Box 778, Jefferson City, Mo. 65102

Corporation Division

**FILED**

AND CERTIFICATE OF  
AUTHORITY ISSUED

**NOV 18 1999**

## Application for Foreign Corporation For a Certificate of Authority

(Submit in duplicate with filing fee of \$155.00)

*Rebecca McDowell Cook*  
SECRETARY OF STATE

- (1) The corporation's name is Legacy Long Distance International, Inc.  
and it is organized and existing under the laws of California
- (2) The name it will use in Missouri is Legacy Long Distance International, Inc.
- (3) The date of its incorporation was Sept. 9, 1996, and the period of its duration is Perpetual  
month/day/year
- (4) The address of its principal place of business One World Trade Center, Ste 1100, Long Beach, CA  
Address City/State/Zip  
90831-1460
- (5) The name and address of its registered agent and office in the State of Missouri is  
National Registered Agents, Inc., 300-B East High St., Jefferson City, MO 65101  
Name Address City/State/Zip
- (6) The specific purpose(s) of its business in Missouri are:  
Long distance telecommunication services.

- (7) The name of its officers and directors and their business addresses are as follows:

(Officers)	Name	Address	City/State/Zip
President	Curtis A. Brown	One World Trade Center, Ste 1100, Long Beach, CA	90831-1460
Vice President	George Hansell, II	One World Trade Center, Ste 1100, Long Beach, CA	90831-1460
Secretary	Kenneth J. Durante	One World Trade Center, Ste 1100, Long Beach, CA	90831-1460
Treasurer	Kenneth J. Durante	One World Trade Center, Ste 1100, Long Beach, CA	90831-1460

### (Board of Directors)

Director	Curtis A. Brown	One World Trade Center, Ste 1100, Long Beach, CA	90831-1460
Director	Kenneth J. Durante	One World Trade Center, Ste 1100, Long Beach, CA	90831-1460
Director	George Hansell, II	One World Trade Center, Ste 1100, Long Beach, CA	90831-1460
Director			

- (8) The effective date of this document is the date it is filed by the Secretary of State of Missouri, unless you indicate a future date, as follows:

(Date may not be more than 90 days after the filing date in this office)

In affirmation thereof, the facts stated above are true.

*Kenneth J. Durante*  
(Authorized signature of officer or chairman of the board)

Treasurer

(Title)

*11-15-99*  
(Date of Signature)

Kenneth J. Durante

Note: You must have a current certificate of good standing or certificate of existence with this application. This may be obtained from the Secretary of State or other authority that issues corporate charters.

## State of California

## SECRETARY OF STATE

## CORPORATION DIVISION

I, *BILL JONES*, Secretary of State of the State of California, hereby certify:

That the annexed transcript has been compared with the corporate record on file in this office, of which it purports to be a copy, and that same is full, true and correct.

IN WITNESS WHEREOF, I execute  
this certificate and affix the Great  
Seal of the State of California this

SEP 10 1996



*Bill Jones*

Secretary of State

1970000

ARTICLES OF INCORPORATION  
OF

ENDORS  
FILED  
In the office of the Secretary  
of the State of California

SEP - 9 1970

LEGACY LONG DISTANCE INTERNATIONAL, INC.

Bill Jones, Secretary

I

The name of this corporation is LEGACY LONG DISTANCE INTERNATIONAL, INC.

II

The purpose of this corporation is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law of California other than the banking business, the trust company business or the practice of a profession permitted to be incorporated by the California Corporations Code.

III

The name and address of this corporation's initial agent for service of process is:

George Grellas, Esq.  
2005 Hamilton Avenue  
Suite 230  
San Jose, California 95125

IV

This corporation is authorized to issue only one class of shares of stock, to be designated as "common" shares; the total number of shares which this corporation is authorized to issue is 10,000,000.

V

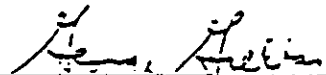
1. Limitation of Directors' Liability. The liability of the directors of this corporation for monetary damages shall be eliminated to the fullest extent permissible under California law.

2. Indemnification of Corporate Agents. This corporation is authorized to indemnify the directors and officers of the corporation to the fullest extent permissible under California law.

3. Repeal or Modification. Any repeal or modification of the foregoing provisions of this Article V shall not adversely

affect any right of indemnification or limitation of liability of an agent of this corporation relating to acts or omissions occurring prior to such repeal or modification.

Dated: September 6, 1996

  
\_\_\_\_\_  
George Grollas  
Incorporator

I declare that I am the person who executed the above Articles of Incorporation, and such instrument is my act and deed.

  
\_\_\_\_\_  
George Grollas

