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June 9, 2000

FILED³

JUN 09 2000

Missouri Public
Service Commission

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

TA-2000-812

Re: MGC Communications, Inc.
Interexchange/Non-Switched Local Exchange Application

Dear Mr. Roberts:

Please find enclosed for filing an original and eight copies of MGC Communications, Inc.'s Application For Interexchange and Non-Switched Local Exchange Authority and Competitive Classification. This Application includes as Appendix B to the Application Applicant's proposed tariff bearing a forty-five day effective date. Also please find enclosed an additional three copies of Applicant's proposed tariff for the Commission's tariff file.

A copy of this filing have been sent this date to the General Counsel's Office and the Office of the Public Counsel. Thank you.

Sincerely,

Brent Stewart
Brent Stewart

CBS/bt

Enclosure

cc: General Counsel's Office
Office of the Public Counsel
Louis Grimmelbein

200001150

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED³
JUN 09 2000

Missouri Public
Service Commission

In the Matter of the Application of)
MGC Communications, Inc. for a)
Certificate of Service Authority to Provide)
Intrastate Interexchange and Non-Switched)
Local Exchange Telecommunications)
Services within the State of Missouri and)
for Competitive Classification.)

Case No. TA-2000-812

**APPLICATION FOR INTEREXCHANGE AND
NON-SWITCHED LOCAL EXCHANGE AUTHORITY
AND COMPETITIVE CLASSIFICATION**

Comes now MGC Communications, Inc. ("Applicant" or "MGC"), by and through counsel, and pursuant to Sections 392.361, 392.420, 392.430, 392.440 RSMo 1994, Section 392.410 RSMo Supp. 1999, and 4 CSR 240-2.060(6), files this Verified Application requesting that the Missouri Public Service Commission (hereinafter "the Commission") issue an order that:

- (a) grants Applicant a certificate of service authority to provide intrastate interexchange and non-switched local exchange telecommunications services, as herein more specifically defined, pursuant to Chapter 392 RSMo;
- (b) grants competitive status to Applicant and Applicant's requested services; and
- (c) waives certain Commission rules and statutory provisions pursuant to Sections 392.361 and 392.420 RSMo 1994, consistent with the Commission's past treatment of other certificated providers of competitive interexchange/private line telecommunications services.

In support of its request, Applicant states that:

1. Applicant is a corporation formed and operating under the laws of the State of Nevada and is duly authorized to transact business in the State of Missouri. Pursuant to the relevant provisions of 4 CSR 240-2.060, a certificate from the Missouri Secretary of State's Office is attached hereto and incorporated herein by reference as **Appendix A**.

Applicant's principal place of business is 171 Sully's Trail, Suite 202, Pittsford, New York, 14534 and its telephone number is (716) 218-6556.

2. All communications, notices, orders and decisions respecting this Application and proceeding should be addressed to:

Charles Brent Stewart
Stewart & Keevil, L.L.C.
1001 Cherry Street
Suite 302
Columbia, Missouri 65201
(573) 499-0635
(573) 499-0638 (fax)

Douglas G. Bonner, Esq.
Louis J. Grimmelbein, Esq.
Arent Fox Kintner Plotkin & Kahn, PLLC
1050 Connecticut Avenue
Washington, D.C. 20036
(202) 857-6000
(202) 857-6395 (fax)

Any questions concerning Applicant's proposed tariff or operations should be directed to Stephanie Valdez at 716-218-8674 or to Carol Lisowski at 716-218-8674.

3. By this Application, Applicant seeks authority to provide various types of intrastate interexchange and non-switched, private line local exchange telecommunications services to business customers throughout the state of Missouri. Such services may include, but are not limited to: message toll service (MTS), WATS, 800 service, switched inbound service, switched outbound service, dedicated private line services, and calling card service. Pursuant to 4 CSR 240-2.060(6)(C), Applicant's proposed tariff bearing a forty-five day effective date, which more specifically describes Applicant's proposed service offerings at this time, is attached hereto and incorporated herein by reference as **Appendix B**. Applicant in the future may seek to expand its particular service offerings beyond those listed in its initial tariff, in which case, Applicant will make the appropriate tariff filings to expand its service offerings under the Commission's usual tariff filing procedure at that time.

4. Applicant requests that it and all its services proposed herein be classified as competitive.¹ Applicant's proposed services herein fall within the category of the types of services which have routinely been authorized by the Commission for numerous other competitive carriers upon verified application without the need for evidentiary hearings. Applicant's proposed services will be subject to sufficient competition to justify a lesser degree of regulation; granting this Application will allow greater price and service options for telecommunications customers and will be in the public interest. Granting Applicant's requested competitive classifications is consistent with past Commission treatment of other competitive certificated interexchange/non-switched local exchange carriers and will encourage competition consistent with the public policy of Federal Telecommunications Act of 1996 and Chapter 392 RSMo.

5. Applicant is willing to comply with all applicable Commission orders, rules and regulations. Applicant requests however, pursuant to Section 392.420 RSMo 1994, that the Commission at minimum waive the application of the following rules and statutory provisions as they relate to the regulation of Applicant to the extent that they previously and routinely have been waived for other certificated competitive interexchange/non-switched local exchange carriers:

	<u>Statutes</u>
392.210.2	--Uniform System of Accounts
392.240(1)	--ratemaking
392.270	--valuation of property
392.280	--depreciation accounts
392.290	--issuance of securities
392.300.2	--stock acquisition
392.310	--stock & debt issuance

¹ MGC Communications, Inc. received its conditional certificate of service authority to provide basic local telecommunications service in portions of the State of Missouri in Case No. TA-2000-453 (Order issued March 22, 2000). In that Order, the Commission already has classified MGC as a competitive company. However, in the interest of following the standard Commission practice of granting competitive classification as an integral part of the interexchange certificate application case process, and to be fully compliant with 4 CSR 240-2.060(6)(A), MGC has included its request for competitive classification as part of this Application.

392.320	--stock dividend payment
392.330	--issuance of securities, debts and notes
392.340	--reorganizations

Commission Rules

4 CSR 240-10.020	--depreciation fund income
4 CSR 240-30.010(2)(C)	--rate schedules
4 CSR 240-30.040	--Uniform System of Accounts
4 CSR 240-33.030	--customer notification
4 CSR 240-35	--bypass reporting

6. Applicant is financially capable of providing the services proposed. Applicant also possesses the necessary technical and managerial expertise and experience necessary to provide the services it proposes to offer at standards that will meet or exceed all service standards established by the Commission. The Commission recently found Applicant in all respects qualified to provide basic local telecommunications service in Case No. TA-2000-453 (Order issued March 22, 2000).

7. Pursuant to 4 CSR 240-2.060(1) (K), Applicant states that it does not have any pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of this Application.

8. Pursuant to 4 CSR 240-2.060(1)(L), Applicant states that no Commission annual report or assessment fees are overdue.

WHEREFORE, MGC Communications, Inc. respectfully requests that the Commission:

1) expeditiously grant it a certificate of service authority to provide intrastate, interexchange and non-switched local exchange telecommunications services within the State of Missouri; 2) grant Applicant and its proposed services competitive status; and 3) waive the application of the above-referenced statutes and Commission rules; all consistent with past Commission practice and the

Commission's treatment of other certificated, competitive providers of intrastate interexchange and non-switched local exchange telecommunications services.

Respectfully submitted,



Charles Brent Stewart MoBar,#34885
STEWART & KEEVIL, L.L.C.
1001 Cherry Street, Suite 302
Columbia, Missouri 65201
(573) 499-0635

ATTORNEY FOR APPLICANT
MGC COMMUNICATIONS, INC.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Verified Application has been sent this date to the General Counsel's Office and the Office of the Public Counsel by hand-delivery, this 9th day of June, 2000.



STATE OF NEW YORK)

COUNTY OF MONROE)

VERIFICATION


I, Francis D.R. Coleman, being duly sworn, declare that I am the Vice President of Regulatory Affairs of MGC Communications, Inc., the Applicant in the subject proceeding; that I have read the foregoing Application and know the contents thereof; that the same are true of my knowledge, except as to matters which are therein stated upon information and belief, and as to those matters I believe them to be true.

By: 

Name: Francis D.R. Coleman

Title: Vice President of Regulatory Affairs

Sworn to and Subscribed to before me
this the 8th day of June, 2000



Notary Public
State of New York

My Commission Expires: 1/31/2001

RUSSELL I. ZUCKERMAN

Notary Public, State of N.Y., Monroe County

My Commission Expires March 30, 1999

MCG COMMUNICATIONS, INC.
INTEREXCHANGE/PRIVATE LINE CERTIFICATE APPLICATION
JUNE 9, 2000

APPENDIX A

MISSOURI SECRETARY OF STATE CERTIFICATE

No. F00477826

STATE OF MISSOURI



Rebecca McDowell Cook
Secretary of State

CORPORATION DIVISION - CERTIFICATE OF AUTHORITY

WHEREAS,
MGC COMMUNICATIONS, INC.

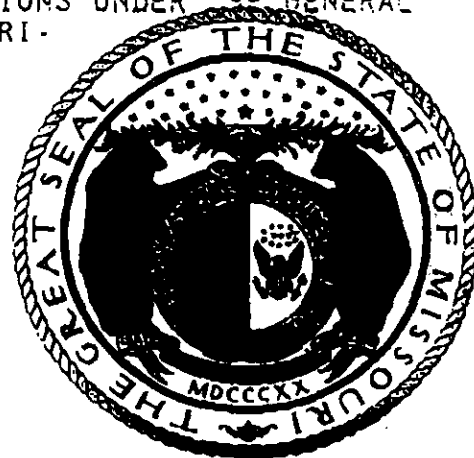
USING IN MISSOURI THE NAME
MGC COMMUNICATIONS, INC.

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 NEVADA.

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 22ND DAY OF DECEMBER, 1999.

A handwritten signature in cursive script that reads "Rebecca McDowell Cook".
Secretary of State



\$155.00

MCG COMMUNICATIONS, INC.
INTEREXCHANGE/PRIVATE LINE CERTIFICATE APPLICATION
JUNE 9, 2000

APPENDIX B
PROPOSED TARIFF