

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

IN THE MATTER OF THE APPLICATION OF)
COMTEL TELCOM ASSETS LP FOR CERTIFICATES)
OF SERVICE AUTHORITY TO PROVIDE BASIC)
LOCAL AND INTEREXCHANGE)
TELECOMMUNICATIONS SERVICES) Case No. _____
IN THE STATE OF MISSOURI)
AND TO CLASSIFY SAID SERVICES AND)
THE COMPANY AS COMPETITIVE)

**APPLICATION FOR CERTIFICATES OF SERVICE AUTHORITY
AND FOR COMPETITIVE CLASSIFICATION**

In compliance with the Order Directing Filing issued by Senior Regulatory Law Judge Ruth on November 8, 2005, in Case No. TM-2006-0186, a copy of which is attached hereto as Exhibit A, comes now Comtel Telcom Assets LP (“Comtel” or “Applicant”), by its undersigned counsel, and hereby applies pursuant to Sections 392.361, 392.420 and 392.430 RSMo 1994, 392.410, 392.450 RSMo Supp. 1996, the federal Telecommunications Act of 1996, and 4 CSR 240-2.060, for authority to provide basic local and switched and non-switched interexchange telecommunications service in portions of the state of Missouri and to classify said services and company as competitive. In support of its Application, Comtel states the following:

1. Applicant, Comtel, is a limited partnership duly organized and existing under and by virtue of the laws of the state of Texas on July 26, 2005. Furthermore, Comtel received a Certificate of Authority from the Missouri Secretary of State to conduct business within and throughout Missouri on August 22, 2005. A copy of the certificate is attached hereto as Exhibit B. Comtel is in the process of seeking authority from the Secretary of State to utilize the trade names listed in item 12 below, and proof of these authorizations will be supplied to the Commission when available. A copy of Comtel’s partnership agreement was filed as confidential Exhibit D to Case No. TM-2006-0186 and is incorporated herein by reference.

2. All inquiries, correspondence, communications, pleadings, notices, orders and decisions relating to the case should be addressed to:

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3. Comtel proposes to provide basic local exchange telecommunications service on a facilities and resold basis, within and throughout all exchanges currently served by the incumbent local exchange telecommunications companies of Southwestern Bell Telephone Company (“SWBT”), Sprint/United Telephone Company (“United”), and Verizon Midwest (“Verizon”). However, services will initially be provided only in areas wherein SWBT is the incumbent local exchange carrier. The specific SWBT, United and Verizon exchanges within which Comtel proposes to offer services are listed in the incumbent providers’ respective local exchange tariffs. Comtel may seek authority to provide this service in other areas of the state in a subsequent proceeding. In addition, Comtel seeks the authority to provide switched and non-switched interexchange services within and throughout the state of Missouri.

4. Comtel’s telecommunications services will be available on a full-time basis, 24 hours a day, seven days a week. Initially, Comtel will primarily market its local exchange services to residential customers. However, Comtel’s local exchange services may include, but will not be limited to, the following: (1) basic residential and business local exchange services (flat rate service, operator access, etc.); (2) residential and business customer and class features (call

waiting, caller ID, call forwarding, etc.); (3) residential and business ancillary services (911, directory assistance, etc.); (4) private line services; (5) data transmission services; and (6) exchange access services. In addition, Applicant seeks to offer switched and non-switched interexchange telecommunications services (e.g., 1+, 800, calling card and other similar service offerings) to business and residential customers. Applicant proposes to offer “bundled” telecommunication service packages which include local exchange service, long distance and call management services (e.g., call waiting, caller identification).

5. Comtel possesses the technical and managerial expertise and experience necessary to provide the services it proposes. Descriptions of the backgrounds of Comtel’s key personnel, which demonstrate the extensive experience and expertise, are attached as Exhibit C. Comtel also possesses the necessary financial resources to provide telecommunications services to Missouri consumers. Exhibit D of this Application contains Comtel’s current and pro forma financial statements as required by 392.455 RSMo. Comtel respectfully requests that the Commission accept these documents as confidential. In support of this request, a Motion for Protective Order has been filed concurrently with the Application, pursuant to Section 2.085 of the Commission’s Rules.

6. Comtel has no pending actions or final unsatisfied judgments or decisions against it from any state or federal agency or court which involves customer service or rates, which action, judgment or decision has occurred within three years of this Application.

7. Comtel has no overdue annual reports or assessment fees due to the Commission.

8. Comtel seeks classification of itself and its services as competitive.

9. Comtel will offer basic local telecommunications service as a separate and distinct service in accordance with applicable law. Comtel will give consideration to equitable access for all Missourians within the Company’s Commission-approved service area, regardless of where they might reside or their income, to affordable telecommunications services in accordance with applicable law. However, service availability may be limited by technical and/or economic feasibility of obtaining necessary facilities to offer telecommunications services.

10. Comtel is willing to comply with all applicable Commission rules and is willing to meet all relevant service standards, including but not limited to, billing, quality of service, as well as tariff filing and maintenance. Consistent with the Commission's treatment of other certified competitive telecommunications companies, Comtel requests that the following statutes and regulations be waived for Comtel and its service offerings:

<u>Statutory Provisions</u>	<u>Missouri Public Service Commission Rules</u>
392.210.2	4 CSR 240-10.020
392.240 (1)	4 CSR 240-30.010 (2) (C)
392.270	4 CSR 240-30.040
392.280	4 CSR 240-32.030 (4) (C)
392.290	4 CSR 240-33.030
392.300.2	4 CSR 240-35
392.310	
392.320	
392.330	
392.340	

11. Comtel intends to submit the required tariff and interconnection agreement filings to the Commission for review within the prescribed time frame and before offering telecommunications services within Missouri.

12. After obtaining all necessary approvals for the transaction described in Case No. TM-2006-0186, Comtel seeks to provide the services detailed herein under several trade names, and therefore requests that the Commission issue to the Applicant certificates under the following "fictitious" names:

Certificate Name	Certificate Type
Comtel Telcom Assets LP d/b/a VarTec Telecom	Basic local exchange and interexchange services
Comtel Telcom Assets LP d/b/a Excel Telecommunications	Basic local exchange and interexchange services
Comtel Telcom Assets LP d/b/a VarTec Solutions	Basic local exchange and interexchange services

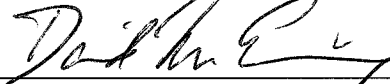
Comtel Telcom Assets LP d/b/a Clear Choice Communications	Basic local exchange and interexchange services
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13. Comtel submits that the public interest will be served by Commission approval of this Application because Comtel's proposed services will create and enhance competition and expand customer service options consistent with the legislative goals set forth in the federal Telecommunications Act of 1996 and Chapter 392 RSMo. Prompt approval of this Application also will expand the availability of innovative, high quality, and reliable telecommunications services within the state of Missouri. Furthermore, approval of this Application will facilitate, in part, the consummation of the transaction detailed in Case No. TM 2006-0186.

WHEREFORE, Applicant, Comtel, respectfully requests that the Commission grant it Certificates of Service Authority to provide basic local and interexchange telecommunications services as herein requested, classify Comtel and its proposed services as competitive, and grant a waiver of the aforesaid statutes and regulations.

Respectfully submitted,

BAKER STERCHI COWDEN & RICE, L.L.C.


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11/21/05

ATTORNEYS FOR COMTEL TELCOM ASSETS LP

VERIFICATION OF COMTEL TELCOM ASSETS LP

COMMONWEALTH OF MASSACHUSETTS §
COUNTY OF SUFFOLK §

On behalf of Comtel Telcom Assets LP, I verify under oath that the information contained in the foregoing Application are true to the best of my knowledge, except as to matters which are stated herein on information or belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

COMTEL TELCOM ASSETS LP

By: *Lee Ann Wilson*

Lee Ann Wilson
Assistant Secretary
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11/21/05
Date

SWORN TO AND SUBSCRIBED before me on this 21st day of November, 2005.

Jemimah Jane Childs
Notary Public In and For the Commonwealth of Massachusetts

My commission expires: 2012



JEMIMAH JANE CHILDS
Notary Public
Commonwealth of Massachusetts
My Commission Expires
September 21, 2012