

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
October 12, 2000**

CASE NO: TA-2000-521

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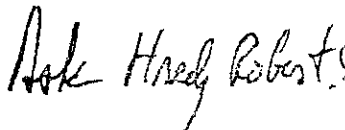
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Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of @link)
Networks, Inc., for a Certificate of Service)
Authority to Provide Basic Local Telecommunica-) Case No. TA-2000-521
tions Services in the State of Missouri and for)
Competitive Classification.)

ORDER GRANTING CERTIFICATE TO PROVIDE
BASIC LOCAL TELECOMMUNICATIONS SERVICES

Procedural History

On February 23, 2000, @link Networks, Inc. (@link or Applicant), a Wisconsin corporation, filed its Application for a Certificate of Service Authority to provide Basic Local Telecommunications Services in the State of Missouri and for Competitive Classification and its Motion for Protective Order. On March 1, 2000, the Commission adopted its standard protective order for this case. On March 2, Applicant filed its Supplement to Application. On March 7, 2000, the Commission issued its Notice of Applications and established April 6, 2000, as the deadline for applications to intervene in this matter. On March 16, 2000, Southwestern Bell Telephone Company (SWBT) timely filed an application to intervene, which the Commission granted on May 1, 2000. The Commission also set a prehearing conference and directed the parties to file a proposed procedural schedule.

On May 22, 2000, the Staff of the Missouri Public Service Commission filed its Motion to Suspend the Prehearing Conference. The Commission, on May 23, 2000 reset the prehearing conference. On June 5, Applicant moved for leave to amend its application; leave was granted on June 20. On June 22, the Commission canceled the prehearing conference. A

June 20. On June 22, the Commission canceled the prehearing conference. A proposed procedural schedule was filed on June 30, 2000, which the Commission adopted on August 1.

On September 26, 2000, the parties filed a stipulation and agreement executed by all of the parties, a copy of which is attached hereto as Attachment 1. In the stipulation and agreement, the parties waived their rights to present testimony, cross-examine witnesses, present oral argument or briefs, and to seek rehearing or judicial review. On October 3, 2000, Staff filed suggestions in support of the stipulation and agreement.

The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989). Since no one has requested a hearing in this case, the Commission may grant the relief requested based on the amended verified application and the supplemental information filed by @link in support of its application.

Discussion

Applicant is an interexchange telecommunications company operating in Missouri and elsewhere. Applicant was certified to provide interexchange and non-switched local telecommunications services in Missouri on December 21, 1998, Case No. TA-99-150.¹ Applicant now seeks certification to provide basic local exchange telecommunications services on a resold and facilities-based basis in portions of Missouri that are currently served by SWBT, GTE Midwest, Inc. (GTE), and Sprint Missouri, Inc., d/b/a Sprint (Sprint). Applicant is not asking for certification in any area that is

¹Under Applicant's former name, Dakota Services, Ltd. Applicant changed its name to @link Networks, Inc., on December 30, 1999, Case No. TO-2000-334.

served by a small incumbent local exchange provider. Applicant proposes to provide service certain exchanges currently served by SWBT, GTE and Sprint, as listed in Attachment 2 attached hereto. Applicant is requesting that its basic local services be classified as competitive and that the application of certain statutes and regulatory rules be waived.

A. Requirements of 4 CSR 240-2.060(4)

Commission rule 4 CSR 240-2.060(4) requires a foreign corporation applying for certification to provide telecommunications services in Missouri to include in its application a certificate from the Missouri Secretary of State showing that it is authorized to do business in Missouri, a description of the types of service it intends to provide, a description of the exchanges where it will offer service, and a proposed tariff with at least a 45-day effective date. Applicant has provided all the required documentation except for the proposed tariff. Applicant requested a temporary waiver of 4 CSR 240-2.060(4)(H) until it has entered into interconnection agreements the incumbent LECs and those agreements have been approved by the Commission. Applicant agreed to submit to the Commission for approval a proposed tariff with a minimum 30-day effective date once it is party to the appropriate interconnection agreements.

The Commission will waive rule 4 CSR 240-2.060(4)(H) and direct the Applicant to file the tariff in this case and to give notice of the tariff filing to all the parties. Along with that filing, Applicant will provide a written disclosure of all interconnection agreements it has entered into which affect its Missouri service areas. Finally, Applicant's tariff must have at least a 45-day effective date.

B. Basic Local Service Certification

Section 392.455, RSMo Supp. 1998, sets out the requirements for granting certificates to provide basic local telecommunications service to

new entrants. A new entrant must: (1) possess sufficient technical, financial and managerial resources and abilities to provide basic local telecommunications service; (2) demonstrate that the services it proposes to offer satisfy the minimum standards established by the Commission; (3) set forth the geographic area in which it proposes to offer service and demonstrate that such area follows exchange boundaries of the incumbent local exchange telecommunications company and is no smaller than an exchange; and (4) offer basic local telecommunications service as a separate and distinct service. In addition, the Commission must give due consideration to equitable access for all Missourians to affordable telecommunications services, regardless of where they live or their income.

Applicant submitted as Exhibit 2 to its application a copy of its audited financial statements for its fiscal years ended May 31, 1998 and 1999. This information is Highly Confidential and was filed under seal. Exhibit 3 to the application lists the names and qualifications of Applicant's management team. In addition to academic credentials, the team members have experience in the telecommunications industry. No party disputes that Applicant possesses sufficient technical, financial and managerial resources and abilities to provide basic local telecommunications service.

Applicant has agreed to provide services that will meet the minimum basic local service standards required by the Commission, including quality of service and billing standards. The parties agreed that Applicant proposes to offer basic local services that satisfy the minimum standards established by the Commission.

Applicant wishes to be certificated to offer services in certain exchanges presently served by SWBT, GTE and Sprint as described in Attachment 2. No party disputes that Applicant has sufficiently identified the geographic area in which it proposes to offer basic local service and

that the area follows the incumbent local exchange carrier's exchange boundaries and is no smaller than an exchange.

Applicant has agreed to offer basic local telecommunications service as a separate and distinct service and to provide equitable access, as determined by the Commission, for all Missourians within the geographic area in which it will offer basic local services in compliance with Section 392.455, RSMo Supp. 1998. No party disputes this assertion by Applicant.

C. Competitive Classification

The Commission may classify a telecommunications provider as a competitive company if the Commission determines it is subject to sufficient competition to justify a lesser degree of regulation. Section 392.361.2, RSMo. In making that determination, the Commission may consider such factors as market share, financial resources and name recognition, among others. In the Matter of the Investigation for the Purpose of Determining the Classification of the Services Provided by Interexchange Telecommunications Companies Within the State of Missouri, 30 Mo. P.S.C. (N.S.) 16 (1989); In the Matter of Southwestern Bell Telephone Company's Application for Classification of Certain Services as Transitionally Competitive, 1 Mo. P.S.C. 3d 479, 484 (1992). The Commission has found that whether a service is competitive is a subject for case-by-case examination and that different criteria may be given greater weight depending upon the service being considered. *Supra*, 1 Mo. P.S.C.3rd at 487. In addition, all the services a competitive company provides must be classified as competitive. Section 392.361.3, RSMo.

The parties have agreed that Applicant should be classified as a competitive telecommunications company. The parties have also agreed that Applicant's switched exchange access services may be classified as a

competitive service, conditioned upon certain limitations on Applicant's ability to charge for its access services. Applicant has agreed that, unless otherwise ordered by the Commission, its originating and terminating access rates in each exchange will be no greater than the corresponding Commission-approved access rates in effect at the date of certification for the large ILEC in each such exchange and that, should the ILEC decrease its access rates, it will file an appropriate revised tariff within 30 days, with a corresponding decrease in its access rates.

The parties have also agreed that the grant of service authority and competitive classification to Applicant should be expressly conditioned on the continued applicability of Section 392.200, RSMo Supp. 1999, and on the requirement that any increases in switched access services rates above the maximum switched access service rates set forth in the agreement must be cost-justified pursuant to Sections 392.220, RSMo Supp. 1999, and 392.230, rather than Sections 392.500 and 392.510.

The parties agreed that waiver of the following statutes is appropriate: Sections 392.210.2, 392.240(1), 392.270, 392.280, 392.290, 392.300.2, 392.310, 392.320, 392.330, RSMo Supp. 1999, and 392.340. The parties also agreed that application of these Commission rules could be waived: 4 CSR 240-10.020, 4 CSR 240-30.010(2)(C), 4 CSR 240-30.040, 4 CSR 240-32.030(4)(C), 4 CSR 240-33.030, and 4 CSR 240-35.

Findings of Fact

The Missouri Public Service Commission, having considered all of the competent and substantial evidence upon the whole record, makes the following findings of fact:

- A. The Commission finds that competition in the basic local exchange telecommunications market is in the public interest.

- B. The Commission finds that Applicant has met the requirements of 4 CSR 240-2.060(4) for applicants for certificates of service authority to provide telecommunications services, excepting the contemporaneous submission of a proposed tariff with a 45-day effective date. The Commission further finds that Applicant has shown good cause for the application of rule 4 CSR 240-2.060(4)(H) to be waived.
- C. The Commission finds that Applicant meets the statutory requirements for provision of basic local telecommunications services and has agreed to abide by those requirements in the future. The Commission determines that granting Applicant a certificate of service authority to provide basic local exchange telecommunications services is in the public interest. Applicant's certificate shall become effective when its tariff becomes effective.
- D. The Commission finds that Applicant is a competitive company and should be granted waiver of the statutes and rules set out in the ordered paragraph below.
- E. The Commission finds that Applicant's certification and competitive status should be expressly conditioned upon Applicant's agreement that its rates for switched access in each exchange shall not exceed the switched access rates of the large ILEC in each such exchange and Applicant's promise to match any decrease in the ILEC's switched access rates with a corresponding decrease in its own switched access rates within 30 days, and upon the continued applicability of Section 392.200, RSMo Supp. 1999, and on the requirement that any increases in switched access services rates above the maximum switched access service rates set forth in the

agreement must be cost-justified pursuant to Sections 392.220, RSMo Supp. 1999, and 392.230, rather than Sections 392.500 and 392.510.

Conclusions of Law

The Missouri Public Service Commission has reached the following conclusions of law:

The Commission has the authority to grant certificates of service authority to provide telecommunications service within the state of Missouri. Applicant has requested certification under Sections 392.420 - .440, and Sections 392.410 and .450, RSMo Supp. 1999, which permit the Commission to grant a certificate of service authority where it is in the public interest. Sections 392.361 and .420 authorize the Commission to modify or suspend the application of its rules and certain statutory provisions for companies classified as competitive or transitionally competitive.

The federal Telecommunications Act of 1996 and Section 392.455, RSMo Supp. 1999, were designed to institute competition in the basic local exchange telecommunications market in order to benefit all telecommunications consumers. See Section 392.185, RSMo Supp. 1999. The Commission has the legal authority to accept a Stipulation and Agreement as offered by the parties as a resolution of the issues raised in this case, pursuant to Section 536.060, RSMo Supp. 1999. Based upon the Commission's review of the applicable law and the Stipulation and Agreement of the parties, and upon its findings of fact, the Commission concludes that the Stipulation and Agreement should be approved.

IT IS THEREFORE ORDERED:

1. That the Stipulation and Agreement of the parties, filed on September 26, 2000, is approved.

2. That @link Networks, Inc., is granted a certificate of service authority to provide basic local telecommunications services in the state of Missouri, subject to the conditions of certification set out above and to all applicable statutes and Commission rules except as specified in this order. The certificate of service authority shall become effective when the company's tariff becomes effective.

3. That @link Networks, Inc., is classified as a competitive telecommunications company. Application of the following statutes and regulatory rules shall be waived:

Statutes

- 392.210.2 - uniform system of accounts
- 392.240(1) - rates and rentals
- 392.270 - valuation of property (ratemaking)
- 392.280 - depreciation accounts
- 392.290 - issuance of securities
- 392.300.2 - acquisition of stock
- 392.310 - stock and debt issuance
- 392.320 - stock dividend payment
- 392.340 - reorganization(s)
- 392.330, RSMo Supp. 1999 - issuance of securities,
debts and notes

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 240-32.030(4)(C) - records and reports
- 4 CSR 240-33.030 - minimum charges rule
- 4 CSR 240-35 - reporting of bypass and
customer-specific arrangements

4. That @link Networks, Inc.'s certification and competitive status are expressly conditioned upon the continued applicability of Section 392.200, RSMo Supp. 1999, and on the requirement that any increases in switched access service rates above the maximum switched access service rates set forth in the agreement must be cost-justified pursuant to

Sections 392.220, RSMo Supp. 1999, and 392.230, rather than Sections 392.500 and 392.510.

5. That application of Rule 4 CSR 240-2.060(4)(H) is waived. @link Networks, Inc., shall submit a proposed tariff with at least a 45-day effective date within 30 days of the approval by this Commission of an interconnection agreement between @link Networks, Inc., and any of the incumbent local exchange carriers in whose service area @link Networks, Inc., may operate under the certificate granted in this order. Simultaneously with the submission of such a proposed tariff, @link Networks, Inc., shall file in this case, and serve upon all the parties hereto, a pleading giving notice that such a tariff has been submitted. @link Networks, Inc., shall provide copies of such proposed tariff to the parties hereto upon request and shall make such other disclosures as required by the Stipulation and Agreement approved herein.

6. That this order shall become effective on October 22, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Kevin A. Thompson, Deputy Chief
Regulatory Law Judge, by delegation
of authority pursuant to Section 386.240,
RSMo 1994.

Dated at Jefferson City, Missouri,
on this 12th day of October, 2000.

BEFORE THE PUBLIC SERVICE
COMMISSION OF THE STATE OF MISSOURI

FILED²

SEP 26 2000

Missouri Public
Service Commission

In the Matter of the Application of)

@link Networks, Inc.)

for a Certificate of Service Authority to Provide)
Basic Local Telecommunications Services)
in the State of Missouri)
and for Competitive Classification)

Case No. TA-2000-521

UNANIMOUS STIPULATION AND AGREEMENT

@link Networks, Inc. (hereinafter "@link" or "Applicant") initiated this proceeding on February 23, 2000, by filing an Application requesting certificate of service authority to provide basic local exchange and exchange access services in exchanges currently served by Southwestern Bell Telephone Company, GTE of the Midwest, Inc. (GTE), and Sprint Missouri, Inc. (Sprint).

Southwestern Bell Telephone Company (SWBT) applied to intervene in this matter and its application was granted.

A. STANDARDS AND CRITERIA

1. The parties employed the following standards and criteria, which are intended to meet the requirements of existing law, particularly Sections 392.450 and 392.455, RSMo. Cum Supp. 1999 regarding applications for certificates of local exchange service authority to provide or resell basic local telecommunications service, in negotiating the provisions of this Unanimous Stipulation and Agreement (hereinafter referred to as the "Stipulation").

2. For purposes of this Stipulation, the parties agree that applications for local exchange and basic local exchange service authority in exchanges served by "large" local exchange companies

(LECs)¹ should be processed in a manner similar to that in which applications for interexchange and local exchange authority are currently handled.

3. In determining whether @link's application for certificate of service authority should be granted, the Commission should consider @link's technical, financial and managerial resources and abilities to provide basic local telecommunications service. @link must demonstrate that the basic local services it proposes to offer satisfy the minimum standards established by the Commission, including but not limited to the applicant agreeing to file and maintain basic local service tariff(s) with the Commission in the same manner and form as the Commission requires of incumbent local exchange telecommunications companies with which applicant seeks to compete. Further, @link must agree to meet the minimum basic local service standards, including quality of service and billing standards, as the Commission requires of the incumbent local exchange telecommunications companies with which the applicant seeks to compete. Notwithstanding the provisions of Section 392.500 RSMo (1994), as a condition of certification and competitive classification, @link agrees that, unless otherwise ordered by the Commission, its originating and terminating access rates will be capped at the levels authorized by the Commission in *In the Matter of the Access Rates to be Charged by Competitive Local Exchange Telecommunications Companies in the State of Missouri*, Case No. TO-99-596. Accordingly, the parties acknowledge and agree that @link may submit tariffs providing for originating and terminating exchange access rates equal to or less than those of the directly competing incumbent local exchange carrier in each exchange in which @link is authorized to provide basic local telecommunications services. Additionally, @link agrees that if the directly competing ILEC, in whose service area @link is operating, decreases its

¹Large LECs are defined as LECs who serve 100,000 or more access lines. Section 386.020 RSMo. Supp. 1999. In Missouri, the current large LECs are SWBT, GTE and Sprint.

originating and/or terminating access service rates, @link shall file an appropriate tariff amendment to reduce its originating and/or terminating access rates in the directly competing ILEC's service area within thirty (30) days of the directly competing ILEC's reduction of its originating and /or terminating access rates in order to maintain the cap.² Further, @link agrees to offer basic local telecommunications service as a separate and distinct service and must sufficiently identify the geographic service area in which it proposes to offer basic local service. Such area must follow exchange boundaries of the incumbent local exchange telecommunications companies in the same area and must be no smaller than an exchange. Finally, @link agrees to provide equitable access, as determined by the Commission, for all Missourians within the geographic area in which it proposes to offer basic local service, regardless of where they live or their income, to affordable telecommunications services. See Section 392.455 RSMo Cum. Supp. 1999.

4. @link submitted its application without tariffs and seeks a temporary waiver of 4 CSR 240-2.060(4)(H).³ @link has agreed to file its initial tariff(s) in the certification docket and serve all parties thereto with written notice at the time the initial tariff(s) are submitted to afford them an opportunity to participate in the tariff approval process. Copies of the tariff(s) will be provided by @link to such parties immediately upon request. Any service authority shall be regarded as conditional and shall not be exercised until such time as tariff(s) for services have become effective.

²This provision shall not be construed to require @link to file a tariff amendment if: 1) @link has concurred in the directly competing ILEC's access tariff, or 2) if @link's existing corresponding originating and/or terminating access rates are not higher than the ILEC's originating and/or terminating access rates following the ILEC's reduction of rates.

³Since the filing of the application this rule has been revised. The requirement for filing a proposed tariff with CLEC applications is now set forth in 4 CSR 240-2.060(6)(C). Good cause for failure to file proposed tariffs with the Application must be shown. The lack of an approved interconnection agreement (47 USC §252) constitutes good cause.

5. @link has, pursuant to §392.420 RSMo. 1994 requested that the Commission waive the application of certain statutory provisions and rules to its basic local telecommunications services. Since the filing of its application, several rules of the Commission had been revised and @link requested leave to amend its application to reflect those rule revisions. The parties hereto have no objection to Applicant's motion for leave to amend. @link's application as amended herein requests the Commission to waive any or all of the following statutory provisions and rules to basic local telecommunications services, and the parties agree that the Commission should grant such request provided that Section 392.200 RSMo should continue to apply to all of @link's services:

STATUTORY PROVISIONS

§392.210.2
§392.240(1)
§392.270
§392.280
§392.290
§392.300.2
§392.310
§392.320
§392.330
§392.340

COMMISSION RULES

4 CSR 240-10.020
4 CSR 240-30.010(2)(C)
4 CSR 240-30.040
4 CSR 240-32.030(4)(C)
4 CSR 240-33.030
4 CSR 240-35

B. @LINK CERTIFICATION

6. @link hereby agrees that its application should be deemed amended to include by reference the terms and provisions described in paragraphs 2-5 hereinabove.

7. Based upon its verified application, as amended herein or by any Order of the Commission, @link asserts, and no party makes a contrary assertion, that there is sufficient evidence from which the Commission can find and conclude that @link:

- a. possesses sufficient technical, financial and managerial resources and abilities to provide basic local telecommunications service and local exchange telecommunications service, including exchange access service;
- b. proposes and agrees to offer basic local services that satisfy the minimum standards established by the Commission;
- c. has sufficiently identified the geographic area in which it proposes to offer basic local service and such area follows exchange boundaries of the incumbent local exchange telecommunications companies in the same areas, and such area is no smaller than an exchange;⁴
- d. will offer basic local telecommunications service as a separate and distinct service;
- e. has agreed to provide equitable access as determined by the Commission for all Missourians within the geographic area in which it proposes to offer basic local service, regardless of where they live or their income, to affordable telecommunications services;⁵
- f. has sought authority which will serve the public interest.

8. @link asserts, and no party opposes, that @link's application and request for authority to provide basic local telecommunications services and local exchange telecommunications services (including exchange access service) should be granted. All services

⁴ The identification of specific geographic areas within which @link proposes to offer service as referred to in this paragraph shall not be construed to foreclose @link from 1) petitioning the Commission pursuant to Section 392.200.4 RSMo. for authority to serve an area smaller than an exchange; and 2) offer customer specific pricing pursuant to Section 392.200.8, RSMo.

⁵ The agreement in Paragraph 7. e. of this Stipulation is without prejudice to @link's right to appear, after proper application and in accord with Commission rules and regulations, in any rulemaking proceeding or other proceeding regarding the Commission's considerations of equitable access under Section 392.455.(5), RSMo. Furthermore, such agreement should not be construed as an admission or conclusion by @link that Section 392.455.(5), RSMo. creates new or specific duties or obligations on telecommunications companies to provide equitable access.

authorized herein should be classified as competitive telecommunications services provided that the requirements of Section 392.200 continue to apply, and @link shall remain classified as a competitive telecommunications company. @link asserts, and no party opposes, that such services will be subject to sufficient competition by the services of the incumbent LECs to justify a lesser degree of regulation of @link's services consistent with the protection of ratepayers and the promotion of the public interest. Such classification should become effective upon the tariffs for the services becoming effective. Such authority should be conditional, not to be exercised until such time as tariffs for those services have been filed and have become effective. The Commission's Order should state the foregoing conditions as follows:

The service authority and service classification herein granted are subject to the requirements of § 392.200 and are conditional and shall not be exercised until such time as tariffs for services have become effective.

The parties agree that the applicant's switched exchange access services may be classified as competitive services. The parties further agree that the applicant's switched exchange access services are subject to Section 392.200. Any increases in switched access service rates above the maximum switched access service rates as set forth in paragraph 3 herein shall be made pursuant to Sections 392.220 and 392.230 and not 392.500 and 392.510. @link agrees that if the directly competing ILEC, in whose service area @link is operating, decreases its originating and/or terminating access service rates, @link shall file an appropriate tariff amendment to reduce its originating and/or terminating access rates in the directly competing ILEC's service area within thirty (30) days of the directly competing ILEC's reduction of its originating and /or terminating access rates in order to maintain the cap.⁶ The Commission's order should state the foregoing

⁶See footnote 2.

conditions as follows:

"The service authority and service classification for switched exchange access granted herein is expressly conditioned on the continued applicability of Section 392.200 and the requirement that any increases in switched access service rates above the maximum switched access service rates set forth herein shall be made pursuant to Sections 392.220 and 392.230 and not Sections 392.500 and 392.510. @link agrees that if the directly competing ILEC, in whose service area @link is operating, decreases its originating and/or terminating access service rates, @link shall file an appropriate tariff amendment to reduce its originating and/or terminating access rates in the directly competing ILEC's service area within thirty (30) days of the directly competing ILEC's reduction of its originating and/or terminating access rates in order to maintain the cap. @link will not be required to file a tariff amendment if: 1) @link has concurred in the directly competing ILEC's access tariff, or 2) if @link's existing corresponding originating and/or terminating access rates are not higher than the directly competing ILEC's originating and/or terminating access rates following the ILEC's reduction of rates."

9. @link's request for a temporary waiver of 4 CSR 240-2.060(6)(C)⁷, which requires applications to include a proposed tariff with a 45-day effective date, is not opposed by the parties and should be granted because at the time of its application, it did not yet have approved interconnection agreements with any underlying carrier. @link agrees that within thirty (30) days of an order approving an interconnection agreement with any underlying carrier, @link will submit tariffs in this docket, with a minimum 45-day proposed effective date, to the Commission for its approval. @link shall serve notice to all parties and participants in this docket of the filing of its tariffs at the time they are filed with the Commission and shall upon request immediately provide any party with a copy of those tariffs. The Commission's order should state these obligations as conditions to the waiver of 4 CSR 240-2.060(6)(C), substantially as follows:

"Applicant's request for temporary waiver of 4 CSR 240-2.060(6)(C) is hereby granted for good cause shown in that Applicant does not yet have an approved interconnection agreement with the incumbent local exchange carriers within who service area it seeks to provide services. Within thirty (30) days of the

⁷Formerly 4 CSR 240-2.060(4)(H).

effective date of an order approving its interconnection agreement with and underlying carrier, Applicant shall submit its tariffs for Commission approval. Such tariffs shall have a minimum of a 45-day effective date and the applicant shall serve written notice upon the parties hereto of such submittal, and shall provide copies of such tariffs to such parties immediately upon request.

10. @link's request for waiver of the application of the following rules and statutory provisions as they relate to the regulation of @link's services should be granted:

STATUTORY PROVISIONS

§392.210.2
§392.240(1)
§392.270
§392.280
§392.290
§392.300.2
§392.310
§392.320
§392.330
§392.340

COMMISSION RULES

4 CSR 240-10.020
4 CSR 240-30.010(2)(C)
4 CSR 240-30.040
4 CSR 240-32.030(4)(C)
4 CSR 240-33.030
4 CSR 240-35

11. Finally, @link will comply with all applicable Commission rules and regulations except those which specifically are waived by the Commission.

12. This Stipulation has resulted from extensive negotiations among the signatories and the terms hereof are interdependent. In the event the Commission does not adopt this Stipulation in total, then this Stipulation shall be void and no signatory shall be bound by any of the agreements or provisions hereof. The Stipulations herein are specific to the resolution of this proceeding, and

all stipulations are made without prejudice to the rights of the signatories to take other positions in other proceedings.

13. In the event the Commission accepts the specific terms of this Stipulation, the parties and participants waive, with respect to the issues resolved herein the following rights: their respective rights pursuant to §536.080.1, RSMo 1994, to present testimony, to cross examine witnesses, and to present oral argument or written briefs; their respective rights to the reading of the transcript by the Commission pursuant to §536.080.2, RSMo 1994; and their respective rights to seek rehearing pursuant to §386.500 RSMo 1994 and to seek judicial review pursuant to §386.510, RSMo 1994. The parties agree to cooperate with the Applicant and with each other in presenting this Stipulation for approval to the Commission and shall take no action, direct or indirect, in opposition to the request for approval of the @link application made herein.

14. The Staff shall file suggestions or a memorandum in support of the Stipulation and the other Parties shall have the right to file responsive suggestions or prepared testimony. All responsive suggestions, prepared testimony or memorandum shall be subject to the terms of any Protective Order that may be entered in this case.


15. The Staff shall also have the right to provide, at any agenda meeting at which this Stipulation is noticed to be considered by the Commission, whatever oral explanation the Commission requests, provided that Staff shall, to the extent reasonably practicable, provide the other Parties with advance notice of when the Staff shall respond to the Commission's request for such explanation once such explanation is requested from Staff. Staff's oral explanation shall be subject to public disclosure, except to the extent it refers to matters that are privileged or protected from disclosure pursuant to any protective order that may be issued in this case.

16. The Office of the Public Counsel is a signatory to this Stipulation for the sole purpose


of stating that it has no objection to this Stipulation.

WHEREFORE, the signatories respectfully request the Commission to issue its Order approving the terms of this Stipulation and issue its Order granting authority and classification as requested by @link, subject to the conditions described above.

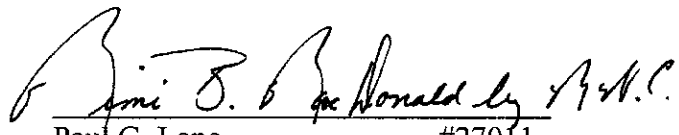
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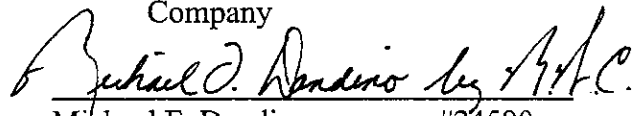
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Jefferson City, MO 65102

FOR: Office of Public Counsel

@link Networks, Inc. seeks authority in the service territories of the following incumbent local exchange carriers:

Exchanges Served by Southwestern Bell

Adrian	Eldon	Leadwood	Republic
Advance	Elsberry	Lee Summit	Richmond
Agency	Essex	Liberty	Richwoods
Altenburg-Frohnn	Eureka	Lilbourne	Risco
Antonia	Excelsior Springs	Linn	Riverview
Archic	Fair Grove	Lockwood	Rogersville
Argyle	Farley	Louisiana	Rushville
Armstrong	Farmington	Macks Creek	Saint Charles
Ash Grove	Fayette	Malden	Saint Clair
Beaufort	Fenton	Manchester	Saint Joseph
Bell City	Ferguson	Marble Hill	Saint Louis
Belton	Festus-Crystal City	Marceline	Saint Marys
Benton	Fisk	Marionville	Sainte Genevieve
Billings	Flat River	Marshall	San Antonio
Bismarck	Florissant	Marston	Sappington
Bloomfield	Frankford	Maxville	Scott Cty
Bloomsdale	Fredericktown	Mehlville	Sedalia
Blue Springs	Freeburg	Meta	Senath
Bonne Terre	Fulton	Mexico	Sikeston
Boonville	Gideon	Moberly	Slater
Bowling Green	Gladstone	Monett	South Kansas City
Bridgeton	Glasgow	Montgomery City	Southville
Brookfield	Grain Valley	Morchouse	Spanish Lake
Camdenton	Gravios Mills	Nashua	Springfield
Campbell	Gray Summit	Neosho	Stanberry
Cape Girardeau	Greenwood	Nevada	Strafford
Cardwell	Hannibal	New Franklin	Tiffany Springs
Carl Junction	Harvester	New Madrid	Trenton
Carrollton	Hayti	Nixa	Tuscumbia
Carthage	Herculaneum-Pevely	Oak Ridge	Union
Caruthersville	Higbee	Oakville	Valley Park
Cedar Hill	High Ridge	Old Appleton	Versailles
Center	Hillsboro	Oran	Vienna
Chaffee	Holcomb	Osage Beach	Walnut Grove
Charleston	Homersville	Overland	Wardell
Chesterfield	Imperial	Pacific	Ware
Chillicothe	Independence	Parkville	Washington
Clarksville	Jackson	Patton	Webb City
Clever	Jasper	Paynesville	Webster Groves
Climax Springs	Joplin	Perryville	Wellsville
Creve Couer	Kansas City	Pierce City	Westphalia
De Soto	Kennett	Pocahontas-New	Willard
De Kalb	Kirksville	Wells	Wyatt
Deering	Kirkwood	Pond	
Delta	Knob Noster	Poplar Bluff	
Dexter	La Monte	Portages des Sioux	
Downing	Ladue	Portageville	
East Prairie	Lake Ozark	Puxico	
East Independence	Lamar	Qulin	
Edina	Lancaster	Raytown	

Exchanges Served by GTE Midwest, Inc.

Alton	Dora	Laddonia	Saint James
Amazonia	Easton	Lawson	Saint Peters
Anapolis	Edgar Springs	Leasburg	Santa Fe
Arcola	El Dorado Springs	Lesterville	Sarcoxie
Ashland	Elkland	Lewistown	Savannah
Augusta	Ellsmore	Licking	Schell City
Aurora	Elmer	Louisburg	Seymour
Ava	Eminence	Lowry City	Shelbina
Avenue City	Everton	Macon	Shelbyville
Avilla	Ewing	Manes	Sheldon
Belgrade	Exeter	Mano	Shell Knob
Belk	Fillmore	Mansfield	Sparta
Bellevue	Foley	Marshfield	Stewartsville
Birch Tree	Fordland	Marthasville	Stoutsville
Bland	Foristell	Maysville	Sturgeon
Blue Eye	Forsyth	Milo	Thayer
Bolckow	Fremont	Monroe City	Theodosia
Boss	Gainesville	Montauk	Thomasville
Bourbon	Galena	Monticello	Timber
Bradleyville	Golden City	Morrison	Trimble
Branson	Gorin	Moscow Mills	Troy
Branson West	Gower	Mount Sterling	Truxton
Brayner	Greenfield	Mount Vernon	Turney
Bronaugh	Groverspring	Mountain Grove	Urbana
Brunswick	Hallsville	Mountain View	Van Buren
Buffalo	Hamilton	Nebo	Vanzant
Bunker	Hartville	New Melle	Vichy
Cabool	Hawk Point	Niangua	Walker
Caledonia	Helena	Norwood	Warrenton
Cameron	Hermann	O'Fallon	Washburn
Canton	Hermitage	Oates	Wasola
Cape Fair	High Hill	Old Monroe	Wayland
Cassville	Highlandville	Osborn	Weaubleau
Caulfield	Holstein	Osceola	Wentzville
Cedar Creek	Houston	Ozark	West Plains
Centerville	Humansville	Palmyra	West Quincy
Centralia	Hunnewell	Paris	Wheatland
Chamois	Hurley	Perry	Whitesville
Clarence	Irondale	Pittsburg	Willow Springs
Clark	Ironton	Plattsburg	Winfield
Clarksdale	Jamestown	Potosi	Winona
Collins	Jenkins	Prairie Home	Woodridge
Columbia	Jerico Springs	Preston	Wright City
Concordia	Jonesburg	Protem	
Conway	Kahoka	Raymondville	
Cosby	Keytesville	Reeds Spring	
Crane	Kidder	Revere	
Cross Timbers	Kimberling City	Roby	
Cuba	Kingston	Rochepot	
Dadeville	Koshonong	Rockaway Beach	
Dalton	La Belle	Rockville	
Dardenne	La Grange	Rosendale	
Defiance	La Plata	Safe	

Exchanges served by Sprint Missouri, Inc. d/b/a Sprint (Sprint)

Appleton City	Orrick
Blackburn	Otterville
Blairstown	Pickering
Brazito	Platte City
Buckner	Pleasant Hill
Butler	Richland
Calhoun	Rolla
California	Russelville
Camden Point	Saint Robert
Centertown	Saint Thomas
Centerview	Salem
Chilhowee	Smithton
Clarksburg	Strasburg
Clinton	Sweet Springs
Coal	Syracuse
Cole Camp	Taos
Craig	Tarkio
Dearborn	Tipton
Deepwater	Urich
Edgerton	Warrensburg
Eugene	Warsaw
Fairfax	Waverly
Ferrelview	Waynesville
Fort Leonard Wood	Wellington
Green Ridge	Weston
Hardin	Windsor
Harrisonville	
Henrietta	
Holden	
Holt	
Holts Summit	
Hopkins	
Houstonia	
Ionia	
Jefferson City	
Kearney	
King City	
Kingsville	
Lake Lotawana	
Lebanon	
Leeton	
Lexington	
Lincoln	
Lonejack	
Malta Bend	
Maryville	
Missouri City	
Montrose	
Mound City	
New Bloomfield	
Newburg	
Norborne	
Oak Grove	
Odessa	

FYI: To Be Issued By Delegation

ALJ/Sec'y: Thompson / Pope

16-10
Date Circulated

10-13
Return by ~~3 p.m.~~

10 a.m.

TA-2000-521
CASE NO.

<u>SL</u>	Lumpe, Chair
<u>nd</u>	Drainer, Vice Chair
<u>CA</u>	Murray, Commissioner
<u>BS</u>	Schemenauer, Commissioner
<u>KS</u>	Simmons, Commissioner

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and

I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,

Missouri, this 12th day of Oct. 2000.



Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge