

JAMES M. FISCHER, P.C.

ATTORNEY AT LAW  
REGULATORY CONSULTANT

101 WEST MCCARTY, SUITE 215  
JEFFERSON CITY, MO 65101

TELEPHONE (573) 636-6758  
FAX (573) 636-0383

September 30, 1999

FILED

SEP 30 1999

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

Missouri Public  
Service Commission

TA-2000-260

RE: *In the Matter of the Application of SBC Advanced Solutions, Inc., for a Certificate of Service Authority to provide Advanced Services Telecommunications within the State of Missouri*

Dear Mr. Roberts:

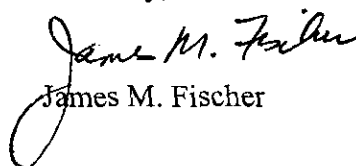
Enclosed are the original and fourteen (14) copies of the Application of SBC Advanced Solutions, Inc. for a Certificate of Service Authority to provide advanced data services in the state of Missouri. This Application is pursuant to the terms of the merger conditions between Southwestern Bell Communications Inc. and Ameritech Corporation, a proceeding before the Federal Communications Commission, CC Dkt. No. 98-141.

Included in the attachments is a copy of the relevant terms of the merger document, together with other required information. Also included are Applicant's proposed tariffs, which Applicant requests be approved effective November 1, 1999. Likewise, in a separate application, is a copy of the interconnection agreement between Applicant and Southwestern Bell Telephone Co. This agreement is also offered in satisfaction of the merger conditions.

Applicant seeks to provide only advanced (data) services, as defined in the application. Applicant does not intend, at this point, to offer any other telecommunications service such as local exchange voice service, or toll service or 800 service. Because of the line sharing particulars of the merger conditions, Southwestern Bell Telephone Company will provide the underlying voice service.

Applicant requests approval as soon as possible.

Sincerely,

  
James M. Fischer

/jr  
Enclosures

cc: Office of the Public Counsel

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED  
SEP 30 1999  
Missouri Public  
Service Commission

In the Matter of the Application of )  
SBC Advanced Solutions, Inc., for a )  
Certificate of Service Authority to provide )  
(Advanced Services Telecommunications) )  
within the State of Missouri )

Case No. TA-2000-260

APPLICATION

SBC Advanced Solutions, Inc., (Applicant), a Delaware corporation, files this verified application requesting that the Missouri Public Service Commission ("Commission") issue an order that:

- (a) grants Applicant a Certificate of Service Authority to provide intraLATA interexchange and non switched exchange service (*i.e.*, point-to-point) (wireline Advanced Services telecommunications) pursuant to Chapter 392 of the Missouri Revised Statutes,
- (b) approves Applicant's tariffs, rules and regulations, as set forth in the attached proposed tariffs.
- (c) waives 4 CSR 240-2.060(4)(H), which requires a 45-day tariff effective date, for Applicant's attached tariffs.
- (d) requires Applicant to file subsequent tariffs with the appropriate effective date prior to Applicant's initial provision of Advanced Services telecommunication within Missouri.
- (e) grants competitive status to Applicant, Sec. 392.361.
- (f) waives certain Commission rules and statutory provisions pursuant to Sections 392.420, RSMo 1994.

In support of its request, Applicant states:

1. The legal name and principal office or place of business of Applicant is:

SBC Advanced Solutions, Inc.  
1010 N. St. Mary's, Room 1400  
San Antonio, TX 78215

2. A copy of Applicant's Certificate of Authority to do Business in Missouri from the Missouri Secretary of State and registration with the State of Missouri, are attached hereto as Attachment 1.

3. The name and address of Applicant's in-state attorney is:

James M. Fischer  
JAMES M. FISCHER, P.C.  
101 West McCarty, Suite 215  
Jefferson City, MO 65101  
Tel: 573-636-6758  
Fax: 573 636-0383

4. Applicant is a Delaware Corporation, authorized to do business in the state. Attachment 2 is Applicant's Articles of Incorporation.

5. Applicant possesses the managerial and technical experience, as well as the financial ability, necessary to provide competitive Advanced Services telecommunications with the state of Missouri. Applicant is a wholly owned subsidiary of SBC Communications Inc. ("SBC"), and will utilize certain continuing affiliate services and equipment provided by its affiliate Southwestern Bell Telephone Company (SWBT). Attachment 3 is the most recent financial statements for SBC. These exhibits demonstrate that Applicant has the financial resources necessary to carry out its

responsibilities as a provider of Advanced Services telecommunications. The names and officers for Applicant, together with the members of its Board of Directors, is Attachment 4.

6. Applicant proposes to provide Advanced Services, a/k/a Advanced Data Services, to interstate and intrastate users which include such current services (and any future services of similar application and scope) as ADSL, IDSL, and xDSL, Frame Relay, Cell Relay and VPOP-Dial Access Service that rely on packetized technology and which has the capability of transmission speeds of at least 56 kilobits per second in both the transmit and receive direction. Advanced Services do not include data services that are not primarily based on packetized technology, such as ISDN, X.25-based and x.75-based packet technologies, or circuit switched services of any type. Applicant will provide such services to residential, business, government and to other telecommunications entities (where appropriate) with 24 hour availability, seven (7) days a week, throughout the state of Missouri, upon approval by the Commission. Applicant requests a Certificate from the Commission as soon as possible. Applicant will provide interstate Advanced Services under authority of the Federal Communications Commission. Applicant proposes to begin service by accepting the assignment and transfer from SWBT, a current telecommunications provider in Missouri, of all SWBT's current Advanced Services customers, both interstate and intrastate users. Such assignment and transfer of customers is undertaken pursuant to the terms and conditions as reflected in a proceeding before the Federal Communications Commission, CC Docket No. 98-141, attached hereto as Attachment 5, concerning the merger of SBC and Ameritech. Applicant

proposes to continue to provide all such Advanced Services to customers pursuant to the same terms and conditions as set forth in SWBT's tariffs as are in effect for such Advanced Services at the time of transfer and assignment. Attachment 6 is a copy of Applicant's<sup>1</sup> proposed tariffs, which will take effect upon transfer and upon approval of the Commission. All future customers will be provided Advanced Services by Applicant pursuant to its then current tariffs. SWBT will file an appropriate Application with the Commission to withdraw SWBT's current Advanced Services tariffs, concurrent with ASI's certification and approval of its tariffs.

Applicant proposes to offer only wireline Advanced Services. Advanced Services are competitive services, pursuant to Section 392.361, RSMo 1996, currently offered by a number of entities within the state. Attachment 7 is a list of actual and potential competitors known to Applicant who directly or through an affiliate do or may provide Advanced Services in Missouri. Applicant seeks to do business upon the same level of regulation as these competitors; as a facilities-based, non-dominant competitive service provider of wireline Advanced Services. Upon obtaining permission from the Commission to begin providing such Advanced Services, SWBT will cease all provisioning of the same service upon the transfer to Applicant of SWBT's current intrastate customers, all as pursuant to Attachment 5. Applicant does not propose or seek authority, at this time, to offer any other telecommunications service, such as basic Local Exchange Service, Operator Services, Calling Card or 800 type services. Those utility services will continue to be offered by Applicant's affiliate SWBT.

---

<sup>1</sup> The Interconnection Agreement will also cover the provision of unbundled network elements and other related interconnection matters.

7. Applicant has attached its proposed tariffs, as Attachment 6, with this Application. This tariff contains the rules and regulations applicable to its customers, a description of services to be offered, and rates for these services.

8. Through this Application, Applicant proposes to resolve with the Commission any issues directly related to Missouri's statutory requirements and the Commission's rules for certification, as well as resolve any issues directly related to Applicant's tariff, as soon as possible. Such resolution will allow Applicant to obtain its Certificate of Service Authority as soon as possible so that Applicant can commence providing competitive wireline Advanced Services in Missouri as soon as practicable.

9. (A) Following a transition period, SWBT may, pursuant to the provisions of Attachment 5, and subject to applicable regulatory approval, transfer to Applicant certain SWBT assets used and useful in the provision of the Advanced Services. Such assets, which may be transferred, will be valued under affiliate interest asset transfer rules, 47 CFR 32.27. Such assets could include the following Advances Services Equipment: (1) DSLAMs or the functional equivalent equipment, (2) spectrum splitters used solely in the provision of Advanced Services, (3) packet switches and multiplexers such as ATMs, Frame Relay engines, and Packet Engines used to provide advanced services, (4) modems used in the provisions of packetized data, and (5) DACS frames used solely in the provision of Advanced Services. Applicant anticipates that any transfer and the final identification of transferred assets, will not occur until a date no later than six months after the FCC's final order in its UNE remand proceedings (CC Docket 96-98). None of

the assets transferred will be unbundled network element (UNE) assets identified by this FCC proceeding. Applicant anticipates placement of further additional Advanced Services Equipment as demand develops throughout the state. The use of any assets not transferred, will be obtained by Applicant from SWBT under the same terms and conditions as SWBT may make available to others (*e.g.*, by tariff). SWBT will file an appropriate application with the Commission to transfer any such assets.

(B) Some Advanced Services assets which may be transferred will be collocated at the premises of SWBT pursuant to certain interconnection agreements. Applicant may also obtain, by separate agreements or tariffs, Operations, Installation and Maintenance (OI&M), UNEs and Billing/Collections services from SWBT, as needed to complete the provisioning of Advanced Services by Applicant. All such interconnection agreements and other services agreements will be filed with the Commission for approval (where required.) Applicant anticipates it will have no, or few, employees initially within the state but will utilize the services of SWBT employees under various agreements, to continue to market, operate, install, maintain and otherwise perform services for Applicant and its customers. Upon customer transfer to Applicant, the continuation of Advanced Services will be uninterrupted. Applicant has the technical qualifications to offer these Advanced Services in the state under the above conditions. However, should any such conditions materially change, Applicant will offer such Advanced Services pursuant to other available means, sources, and methods.

10. Customer inquiries will be handled through Applicant's customer toll-free service number, which will be printed on all customer invoices/bills. Applicant will bill

customers initially through the billing and collections services of an affiliate. Applicant may continue such billing and collection services in the future or may elect to bill customers directly or by a company offering such services.

11. Applicant requests classification as a competitive telecommunications company within the state of Missouri. This lesser degree of regulation is justified because: (a) the proposed services are and will continue to be subject to competition from other carriers already certified to operate within Missouri; (b) Applicant is a non-dominant provider of Advanced Services; and (c) Applicant's rates will be competitive with those of other carriers already operating within Missouri. Granting of this Application, therefore, will increase competition and allow greater price benefits and service options for telephone users in the state of Missouri.

12. Applicant also requests, pursuant to Section 392.420, RSMo 1994, that the Commission waive the application of the following rules and statutory provisions as it relates to the regulation of Applicant:

4 CSR 240-10.020	Depreciation fund income
4 CSR 240.30.010(2)	
(1),(2),(3),(5),(6)	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 boundary maps
4 CSR 240-32.030(1)(C)	Record of access lines
4 CSR 240-32.030(2)	In-state record keeping
4 CSR 240-32.050(3)	Local office recording keeping
4 CSR 240-32.050(4)	Telephone directories
4 CSR 240-32.050(5)	Intercept
4 CSR 240-32.050(6)	Telephone number changes
4 CSR 240-032.070(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	Issuance of stocks and bonds
Section 392.320	Stock dividends
Section 392.330	Issuance of securities, debt and notes
Section 392.340	Reorganization

Applicant believes the above referenced rules and statutory provisions have been waived for other carriers in prior cases.

13. Applicant, pursuant to Section 386.570 RSMo 1994, 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  
JAMES M. FISCHER, P.C.  
101 West McCarty, Suite 215  
Jefferson City, MO 65101  
Tel: 573-636-6758  
Fax: 573-636-0383

and:

Joe Cosgrove, Esq.  
SBC Advanced Solutions, Inc.  
1010 N. St. Mary's, Room 1407  
San Antonio, TX 78215  
Tel: 210-886-5110  
Fax: 210-886-1822

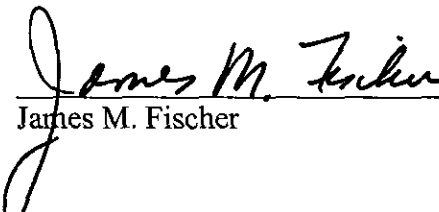
WHEREFORE, Applicant respectfully requests that the Missouri Public Service Commission grant it a Certificate of Service Authority to provide Advanced Services telecommunication within the State of Missouri. Second, Applicant requests approval of its tariff rules and regulations. Third, Applicant requests a waiver of the 45-day tariff effective date, otherwise required by 4 CSR 240-2.060(4)(H); Applicant will file a subsequent tariff with the appropriate effective date prior to Applicant's initial provision of Advanced Service telecommunications within Missouri. Fourth, Applicant requests classification as a competitive telecommunications company. Last, Applicant requests a waiver of the above referenced rules and statutory provisions, pursuant to Section 392.420, RSMo 1994.

Respectfully submitted,

Joe Cosgrove, Esq. MBN 35861  
SBC ADVANCED SOLUTIONS, INC..  
1010 N. St. Mary's, Room 1407  
San Antonio, TX 78215  
210-886-5110

James M. Fischer, Esq. MBN 27543  
JAMES M. FISCHER, P.C.  
101 West McCarty, Suite 215  
Jefferson City, MO 65101  
Tel: 573-636-6758  
Fax: 573-636-0383

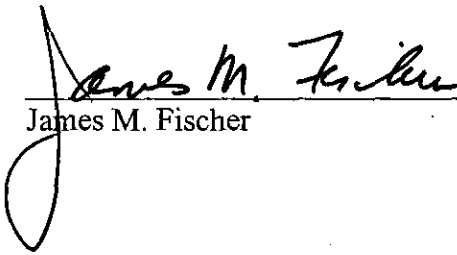
By:

  
James M. Fischer

**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 30<sup>th</sup> day of September, 1999, to:

Office of Public Counsel  
P.O. Box 7800  
Jefferson City, Missouri 65102

  
\_\_\_\_\_  
James M. Fischer

AFFIDAVIT OF VERIFICATION

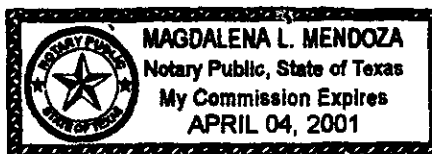
STATE OF TEXAS )  
COUNTY OF BEXAR )

Rebecca De La Cruz, being first duly sworn, on her oath and in her capacity as Vice President-Customer Services of SBC Advanced Solutions, Inc., states that she is authorized to execute on behalf of SBC Advanced Solutions, Inc. this Application and has knowledge of the matters stated in this Application, and that said matters are true and correct to the best of her knowledge and belief.

Rebecca De La Cruz  
Rebecca De La Cruz

Subscribed and sworn to before me this 30<sup>th</sup> day of August, 1999.

Magdalena L. Mendoza  
Notary Public, State of Texas



ATTACHMENT 1

MO SECRETARY OF STATE CERTIFICATE

# STATE OF MISSOURI



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

CORPORATION DIVISION  
CERTIFICATE OF CORPORATE RECORDS

SBC ADVANCED SOLUTIONS, INC.

USING IN MISSOURI THE NAME  
SBC ADVANCED SOLUTIONS, INC.

I, REBECCA McDOWELL COOK, SECRETARY OF STATE OF THE STATE OF MISSOURI AND KEEPER OF THE GREAT SEAL THEREOF, DO HEREBY CERTIFY THAT THE ANNEXED PAGES CONTAIN A FULL, TRUE AND COMPLETE COPY OF THE ORIGINAL DOCUMENTS ON FILE AND OF RECORD IN THIS OFFICE.

IN TESTIMONY WHEREOF, I HAVE SET MY HAND AND IMPRINTED THE GREAT SEAL OF THE STATE OF MISSOURI, ON THIS, THE 16TH DAY OF AUGUST, 1999.

*Rebecca McDowell Cook*  
Secretary of State



# STATE OF MISSOURI



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

## CORPORATION DIVISION - CERTIFICATE OF AUTHORITY

WHEREAS,  
SBC ADVANCED SOLUTIONS, INC.

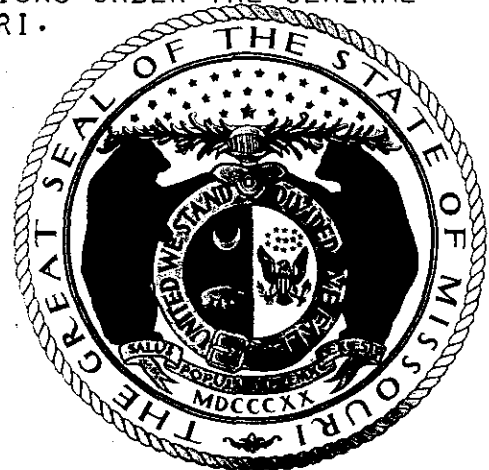
USING IN MISSOURI THE NAME  
SBC ADVANCED SOLUTIONS, INC.

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 DELAWARE.

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 16TH DAY OF AUGUST, 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

AUG 16 1999

**Application for Foreign Corporation  
for a Certificate of Authority**

*Rebecca McDowell Cook*  
SECRETARY OF STATE

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

- (1) The corporation's name is SBC Advanced Solutions, Inc.  
and it is organized and existing under the laws of Delaware
- (2) The name it will use in Missouri is SBC Advanced Solutions, Inc.
- (3) The date of its incorporation was 7/27/99, (month/day/year),  
and the period of its duration is perpetual
- (4) The address of its principal place of business (Address/City/State/Zip)  
175 East Houston Street, San Antonio, Texas 78205
- (5) The name and address of its registered agent and office in the State of  
Missouri is (Name, Address, City/State/Zip)  
C T CORPORATION SYSTEM, 120 South Central Avenue, Clayton, Missouri 63105
- (6) The specific purpose(s) of its business in Missouri are: \_\_\_\_\_  
Advanced telecommunications services
- (7) The name of its officers and directors and their business addresses are as  
follows:
- Officers** (Name/Address/City/State/Zip)
- President Please see attached
- Vice President \_\_\_\_\_
- Secretary \_\_\_\_\_



Board of Directors (Name/Address/City/State/Zip)

Director Please see attached

Director

Director

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.

Joseph E. Cosgrove, Jr. 8/12/99  
(Authorized signature of officer or chairman of the board) (Title) (Date)  
JOSEPH E. COSGROVE, JR. VP GEN. COUNS.  
'S SECRETARY

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.

**FILED**  
AND CERTIFICATE OF  
AUTHORITY ISSUED

AUG 16 1999

Rebecca M. Brown II COK  
SECRETARY OF STATE