

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

J. Gregory Higgins
General Counsel
Public Wireless, Inc.
20 Danada Square West, Suite 278
Wheaton, IL 60189
(630) 453-0102
(866) 280-0209 fax
ghiggins@publicwireless.com

3. Public requests a Certificate of Service Authority to provide interexchange and non-switched local telecommunications services within the state of Missouri, both as facilities-based services and/or resold services, pursuant to Sections 392.410-392.450 RSMO.

4. By this Application, Public seeks authority to facilitate non-switched local transport services (hereinafter referred to as "Services") through a "dumb pipe" on behalf of its customers throughout the State of Missouri, and requests classification as a competitive telecommunications company

Applicant intends to provide transport service primarily for wireless carriers and intends to design and build alternative wireless siting solutions. Applicant deploys such networks by using a combination of its own equipment and services purchased from other telecommunications companies, including cable companies, and reselling them, at least initially, to wireless carriers. Applicant will provide its service using backhaul linked by fiber optic cables or other transport medium with conversion equipment attached to poles, wires, fiber termination equipment, and other structures. Applicant intends to install and operate equipment to support

backhaul services, at least initially for wireless carriers. Applicant's customers are wireless carriers, not consumers.

Applicant will primarily rely on a technical platform known as a "Distributed Antenna System," or "DAS." A DAS is typically made up of the following:

- Base Station Hotel: The Base Station Hotel is the central location where all wireless carrier Base Transceiver Station (BTS) equipment is installed. The Base Station Hotel also contains any necessary Conversion equipment.
- Conversion/Combining Equipment: This equipment converts and/or combines the wireless carrier radio frequency (RF) signal from the BTS to match the requirements of the transport medium (i.e. optical signal if the medium is fiber optic cable). This RF signal is then transmitted via the transport medium to specific Remote Node locations.
- Remote Nodes: Each Remote Node then converts the signal back to RF. This RF signal is transmitted over an antenna which is typically mounted on a light post, utility pole or other municipal or utility infrastructure. This antenna broadcasts the signal for all wireless carrier technologies.
- Access Points: An Access Point can be added to each Remote Node for providing 802.11 "Wi-Fi" unlicensed services.

5. Public plans to provide RF transport for wireless voice and data service carriers who are Public's customers. Public's DAS is a dumb pipe for its carrier customers. Public does not provide any services directly to consumers. Carrier customers maintain control over all aspects of any wireless communications from or to their subscribers. These aspects include frequencies, channels, and output power. Public's system is specifically designed as a minimally intrusive alternative to traditionally wireless antenna technologies in that it utilizes an array of smaller antennas in place of larger and usually more visible towers and antennas. Public offers turnkey wireless communications solutions to its customer carriers in areas when traditional network build-out is difficult due to

zoning or geographic limitations. However, Public's services are not limited to serving any specific type of customer carrier.

6. Public will provide its Service using fiber optic cables, coaxial cable or wireless RF systems with conversion equipment. The Services are customized to the transport and backhaul needs of individual customers.
7. The Services will be generally provided on a monthly basis and will be available twenty-four (24) hours per day, seven (7) days per week, subject to the availability of necessary service, equipment and facilities. At this time, Public does not intend to furnish traditional residential or business local telephone services or switched, interexchange telephone service.
8. The Services that Public intends to offer are competitive. As such, Public, pursuant to Section 391.361 RSMO, requests that it be classified as a competitive telecommunications company.
9. Consistent with the Commission's treatment of other interexchange and non-switched local exchange services, Public requests the following statutes and regulations be waived for Public and its service offerings:

Statutes	Missouri Public Service Commission Rules
392.210.2	4 CSR 240-10.020
392.240.1	
392.270	4 CSR 240-30.040
392.280	
392.290	
392.300.2	
392.310	
392.320	
392.330	
392.340	

10. Public 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 occurred within the last three (3) years from the date of this Application. Further, Public does not have any overdue annual reports or assessment fees.

11. Grant of this Application and Public's entry into the telecommunications marketplace within Missouri will serve the public interest in a variety of ways. First, as demonstrated above, Public is technically and financially qualified to provide telecommunications service in Missouri, and the public interest will be served by expanding the availability of competitive telecommunications services in Missouri, thereby enhancing the telecommunications infrastructure in Missouri and facilitating economic development. Moreover, Public's services are designed in part to use DAS technologies to fill in gaps in wireless coverage without requiring the construction of large towers. Second, although Public does not initially intend to provide voice service to end-user-subscribers, should it do so in the future, Public will provide (either directly or through arrangements with others) the following: (1) access to 911 and E911 services; (2) access to telecommunications relay services; (3) access to directory assistance; (4) access to operator services, and (5) non-discriminatory interconnection with other local exchange carriers.

12. Finally, the grant of this Application will benefit the public directly through the use of the competitive services offered by Public - and indirectly, because the presence of Public in the market will increase the incentives for other carriers to

operate more efficiently and offer more innovative service. Competition for telecommunications services is essential to the State of Missouri's economic welfare and to its ability to retain and attract small and mid-sized businesses necessary to enhance economic development. Moreover, competition in the telecommunications market is the primary goal of the Federal Act. Thus, for the reasons set forth above, grant of the instant Application will serve the public interest.

WHEREFORE, Applicant Public Wireless, Inc., respectfully requests the Commission grant it a certificate of service authority to provide interexchange and non-switched local transport telecommunications services as herein requested, classify Public and its proposed services as competitive, and grant a waiver of the aforesaid statutes and regulations.

RESPECTFULLY SUBMITTED

/s/ J. Gregory Higgins
J. Gregory Higgins
General Counsel
Public Wireless, Inc.
20 Danada Square West, Suite 278
Wheaton, IL 60189
(630) 453-0102
(866) 280-0209 fax
ghiggins@publicwireless.com

Dated: 14 July 2009

Exhibit A

Articles of Incorporation of Public Wireless Inc., issued by the Delaware Secretary of
State

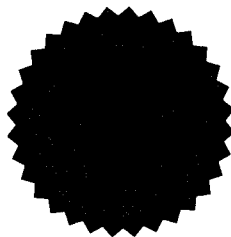
Delaware

PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF INCORPORATION OF "AMBER TELECOMMUNICATIONS, INC.", FILED IN THIS OFFICE ON THE TWENTY-SECOND DAY OF SEPTEMBER, A.D. 2003, AT 6:29 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



Harriet Smith Windsor
Harriet Smith Windsor, Secretary of State

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030608254

AUTHENTICATION: 2648986

DATE: 09-23-03

CERTIFICATE OF INCORPORATION
OF
AMBER TELECOMMUNICATIONS, INC.

The undersigned, a natural person (the "Sole Incorporator"), for the purpose of organizing a corporation to conduct the business and promote the purposes hereinafter stated, under the provisions and subject to the requirements of the laws of the State of Delaware hereby certifies that:

I.

The name of this corporation is Amber Telecommunications, Inc.

II.

The address of the registered office of the corporation in the State of Delaware is 1209 Orange Street, City of Wilmington, County of New Castle, and the name of the registered agent of the corporation in the State of Delaware at such address is The Corporation Trust Company.

III.

The purpose of this corporation is to engage in any lawful act or activity for which a corporation may be organized under the Delaware General Corporation Law ("DGCL").

IV.

A. This corporation is authorized to issue only one class of stock, to be designated Common Stock. The total number of shares of Common Stock presently authorized is ten million (10,000,000), each having a par value of one-hundredth of one cent (\$0.0001).

V.

A. The management of the business and the conduct of the affairs of the corporation shall be vested in its Board of Directors. The number of directors which shall constitute the whole Board of Directors shall be fixed by the Board of Directors in the manner provided in the Bylaws.

B. Election of Directors

1. Subject to the rights of the holders of Preferred Stock to elect additional directors under specified circumstances, directors shall be elected at each annual meeting of stockholders to hold office until the next annual meeting. Each director shall hold office either until the expiration of the term for which elected or appointed and until a successor has been elected and qualified, or until such director's death, resignation or removal. No decrease in the

number of directors constituting the Board of Directors shall shorten the term of any incumbent director.

2. No person entitled to vote at an election for directors may cumulate votes to which such person is entitled, unless, at the time of such election, the corporation is subject to Section 2115(b) of the California General Corporation Law ("CGCL"). During such time or times that the corporation is subject to Section 2115(b) of the CGCL, every stockholder entitled to vote at an election for directors may cumulate such stockholder's votes and give one candidate a number of votes equal to the number of directors to be elected multiplied by the number of votes to which such stockholder's shares are otherwise entitled, or distribute the stockholder's votes on the same principle among as many candidates as such stockholder thinks fit. No stockholder, however, shall be entitled to so cumulate such stockholder's votes unless (a) the names of such candidate or candidates have been placed in nomination prior to the voting and (b) the stockholder has given notice at the meeting, prior to the voting, of such stockholder's intention to cumulate such stockholder's votes. If any stockholder has given proper notice to cumulate votes, all stockholders may cumulate their votes for any candidates who have been properly placed in nomination. Under cumulative voting, the candidates receiving the highest number of votes, up to the number of directors to be elected, are elected.

C. Removal

1. During such time or times that the corporation is subject to Section 2115(b) of the CGCL, the Board of Directors or any individual director may be removed from office at any time without cause by the affirmative vote of the holders of at least a majority of the outstanding shares entitled to vote on such removal; *provided, however*, that unless the entire Board is removed, no individual director may be removed when the votes cast against such director's removal, or not consenting in writing to such removal, would be sufficient to elect that director if voted cumulatively at an election which the same total number of votes were cast (or, if such action is taken by written consent, all shares entitled to vote were voted) and the entire number of directors authorized at the time of such director's most recent election were then being elected.

2. At any time or times that the corporation is not subject to Section 2115(b) of the CGCL and subject to any limitations imposed by law, Section C.1 above shall not apply and the Board of Directors or any director may be removed from office at any time (a) with cause by the affirmative vote of the holders of a majority of the voting power of all then-outstanding shares of capital stock of the corporation entitled to vote generally at an election of directors or (b) without cause by the affirmative vote of the holders of a majority of the voting power of all then-outstanding shares of capital stock of the corporation, entitled to vote generally at an election of directors.

D. The Board of Directors is expressly empowered to adopt, amend or repeal the Bylaws of the corporation. The stockholders shall also have power to adopt, amend or repeal the Bylaws of the corporation; provided, however, that, in addition to any vote of the holders of any class or series of stock of the corporation required by law or by this Certificate of Incorporation,

the affirmative vote of the holders of at least a majority of the voting power of all of the then-outstanding shares of the capital stock of the corporation entitled to vote generally in the election of directors, voting together as a single class, shall be required to adopt, amend or repeal any provision of the Bylaws of the corporation.

VI.

A. The liability of the directors for monetary damages shall be eliminated to the fullest extent under applicable law. If the DGCL is amended to authorize corporate action further eliminating or limiting the personal liability of directors, then the liability of a director of the corporation shall be eliminated or limited to the fullest extent permitted by the DGCL, as so amended.

B. This corporation is authorized to provide indemnification of agents (as defined in Section 317 of the CGCL) for breach of duty to the corporation and its stockholders through bylaw provisions or through agreements with the agents, or through stockholder resolutions, or otherwise, in excess of the indemnification otherwise permitted by Section 317 of the CGCL, subject, at any time or times that the corporation is subject to Section 2115(b) of the CGCL, to the limits on such excess indemnification set forth in Section 204 of the CGCL.

C. Any repeal or modification of this Article VI shall be prospective and shall not affect the rights under this Article VI in effect at the time of the alleged occurrence of any act or omission to act giving rise to liability or indemnification.

VII.

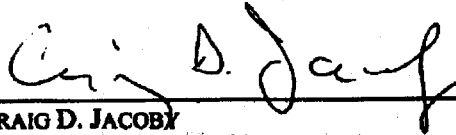
The corporation reserves the right to amend, alter, change or repeal any provision contained in this Certificate of Incorporation, in the manner now or hereafter prescribed by statute, and all rights conferred upon the stockholders herein are granted subject to this reservation.

VIII.

The name and the mailing address of the Sole Incorporator is as follows:

Craig D. Jacoby
One Maritime Plaza
20th Floor
San Francisco, CA 94111

IN WITNESS WHEREOF, this Certificate has been subscribed this 22nd day of September, 2003 by the undersigned who affirms that the statements made herein are true and correct.



CRAIG D. JACOBY
Sole Incorporator

Delaware

PAGE 1

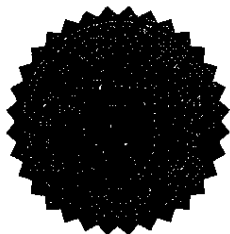
The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "AMBER TELECOMMUNICATIONS, INC.", CHANGING ITS NAME FROM "AMBER TELECOMMUNICATIONS, INC." TO "AMBER NETWORK, INC.", FILED IN THIS OFFICE ON THE TWENTY-SEVENTH DAY OF JUNE, A.D. 2005, AT 3:23 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.

3706396 8100

050534473



Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 3982195

DATE: 06-27-05

CERTIFICATE OF AMENDMENT
OF
AMENDED AND RESTATED
CERTIFICATE OF INCORPORATION
OF
AMBER TELECOMMUNICATIONS, INC.

Amber Telecommunications, Inc., a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware,

DOES HEREBY CERTIFY:

FIRST: That the Board of Directors of said corporation, by written consent, filed with the minutes of the Board, adopted a resolution proposing and declaring advisable the following amendment to the Certificate of Incorporation of said corporation:

RESOLVED, that the Certificate of Incorporation of Amber Telecommunications, Inc. be amended by changing Article 1 thereof so that, as amended, said Article shall be and read as follows:

"1. The name of the corporation is Amber Networks, Inc."

SECOND: That in lieu of a meeting and vote of stockholders, the stockholders of the corporation have given their written consent to said amendment in accordance with the provisions of Section 228 of the General Corporation Law of the State of Delaware.

THIRD: That the aforesaid amendment was duly adopted in accordance with the applicable provisions of sections 242 and 228 of the General Corporation Law of the State of Delaware.

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Amendment of Certificate of Incorporation on this 27th day of June, 2005.

/s/ Rob Regan
Rob Reagan, Chief Executive Officer

CERTIFICATE OF AMENDMENT

OF

AMENDED AND RESTATED CERTIFICATE OF INCORPORATION

OF

AMBER NETWORKS, INC.

Amber Networks, Inc., a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware

DOES HEREBY CERTIFY:

FIRST: that the Board of Directors of said corporation, by written consent, filed with the minutes of the Board, adopted a resolution proposing and declaring advisable the following amendment to the Certificate of Incorporation of said corporation"

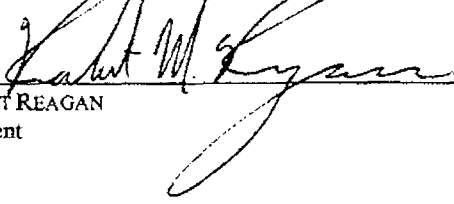
RESOLVED, that the Certificate of Incorporation of Amber Networks, Inc be amended by changing Article 1 thereof, so that, as amended, said Article shall read as follows:

"1. The name of the corporation is Public Wireless, Inc."

SECOND: That in lieu of a meeting and vote of stockholders, the stockholders of the corporation have given their written consent to said amendment in accordance with the provisions of Section 228 of the General Corporation Law of the State of Delaware.

THIRD: That the aforesaid amendment was duly adopted in accordance with the applicable provisions of section 242 and 228 of the General Corporation Law of the State of Delaware.

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Amendment of Certificate of Incorporation on this 4th day of September, 2007.



ROBERT REAGAN
President

Exhibit B

Applicant's Certificate of Authority to do business in the State of Missouri

STATE OF MISSOURI



Robin Carnahan
Secretary of State

CERTIFICATE OF AUTHORITY

WHEREAS,

PUBLIC WIRELESS, INC.
F00964976

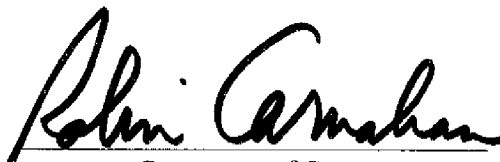
using in Missouri the name

PUBLIC WIRELESS, 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, ROBIN CARNAHAN, 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 hereunto
set my hand and cause to be affixed the
GREAT SEAL of the State of Missouri.
Done at the City of Jefferson, this
28th day of April, 2009.


Secretary of State



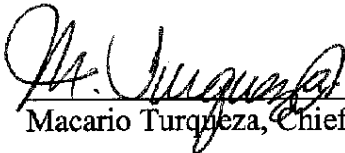
VERIFICATION

State of California)
County of Santa Clara)

I, Macario Turqueza do hereby state under penalty of perjury that:

I am the Chief Financial Officer of Public Wireless, Inc, and have all due authority to bind Public Wireless, Inc., and to execute this Verification.

I further state that the contents of the foregoing Application are true, accurate and correct to the best of my knowledge, information and belief.



Macario Turqueza, Chief Financial Officer

Dated this 3 day of June, 2009.

Subscribed and sworn before me, a Notary Public, this 3rd day of JUNE, 2009.


Notary Public

My Commission Expires on: Aug 29, 2010


State of California, County of Santa Clara

Subscribed and sworn to (or affirmed) before me
on this 3 day of JUNE, 2009, by

MACARIO TURQUEZA.

proved to me on the basis of satisfactory
evidence to be the person(s) who appeared before me.

(seal)


Signature of Notary Public

