

Mark P. Johnson  
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**FILED<sup>3</sup>**  
**AUG 26 2003**  
**Missouri Public  
Service Commission**

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West Palm Beach*

August 25, 2003

VIA EXPRESS MAIL

Mr. Dale Hardy Roberts  
Secretary/Chief Administrative Law Judge  
Missouri Public Service Commission  
200 Madison Street  
Jefferson City, MO 65102-0360

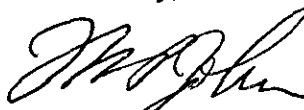
RE: Application of Rystec, Inc., for Certificate of Service Authority to Provide Basic  
Local Telecommunications Services on a Competitive Basis

Dear Mr. Roberts:

Please find enclosed for filing the original and eight copies of the Application of Rystec, Inc., for a Certificate of Service Authority to Provide Basic Local Telecommunications Services on a Competitive Basis. By copy of this letter, I have mailed two copies of the enclosed Application to the Office of Public Counsel.

Thank you for bringing this matter to the Commission's attention.

Sincerely,



Mark P. Johnson  
Partner

cc: Office of Public Counsel

FILED<sup>3</sup>

AUG 26 2003

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

Missouri Public  
Service Commission

In the Matter of the Application of )  
Rystec, Inc. for Expedited Expansion of )  
Certificate of Authority to Provide Non-Switched )  
Local Exchange Telecommunications Services ) Case No. \_\_\_\_\_  
For Additional Authority to Provide Basic )  
Local Exchange Telecommunications Services. )

**APPLICATION FOR EXPEDITED EXPANDED AUTHORITY TO  
PROVIDE SWITCHED LOCAL EXCHANGE SERVICES THROUGHOUT MISSOURI**

COMES NOW Rystec, Inc. ("Rystec" or "Company") and hereby applies for expanded authority to provide basic local telecommunications service, pursuant to Sections 392.361, 392.410, 392.420, 392.430, and 392.450 RSMo 2000<sup>1</sup> and 4 CSR 240-3. By this Application, Rystec seeks to expand its competitive intrastate resold and facilities-based interexchange service and non-switched local exchange service authority, granted on July 11, 2003 in Case No. XA-2003-0498. Company seeks switched basic local service authority on an expedited basis to enable timely collocated interconnection of services with the incumbent carrier at incumbent carrier exchanges. In support of its Application, Company states as follows:

1. Company was granted authority to provide competitive intrastate resold and facilities-based interexchange services and non-switched local exchange services, on July 11, 2003 in Case No. XA-2003-0498, pursuant to an application filed May 15, 2003.
2. Company had sought non-switched local exchange service authority to provide dedicated data services to Missouri subscribers. It was not Company's intent at the time of its earlier application to provide basic local telecommunications service.

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<sup>1</sup> All statutory references are to the Revised Statutes of Missouri 2000, unless otherwise noted.

3. Company has been informed by representatives of CenturyTel of Missouri, LLC ("CenturyTel") that the Company must hold basic local telecommunications service authority as a prerequisite for collocation in CenturyTel exchanges. Although the Company still does not intend to provide switched basic local exchange services at this time, the Company feels compelled to seek such authority in light of the requirements imposed by CenturyTel for collocation, and in the interest of time. In light of the foregoing, Company incorporates the information contained in its May, 2003 application in Case No. XA-2003-0498 herein by reference. All information contained in the Company's May, 2003 application remains current and unchanged.

4. Company was organized under the laws of the State of Missouri on October 25, 2002. Company's principal office is located at:

Rystec, Inc.  
515 Second Street  
Branson, MO 65616

Telephone: 417-339-9144  
Facsimile: 417-339-9158

5. A copy of Company's Certificate of Good Standing is attached hereto at **Exhibit A**. The Company's Articles of Incorporation are a matter of record with the Commission in Case No. XA-2003-0498.

6. Correspondence and communications concerning this Application and tariff may be directed to:

Andrew O. Isar  
Miller Isar, Inc.  
7901 Skansie Avenue, Suite 240  
Gig Harbor, Washington 98335

Telephone: 253.851.6700  
Facsimile: 253.851.6474  
Email: aisar@millerisar.com

With a copy to in-state counsel:

Mark P. Johnson  
SONNENSCHN NATH & ROSENTHAL LLP  
4520 Main Street  
Suite 1100  
Kansas City, MO 64111  
Telephone: 816/460-2400  
Facsimile: 816/531-7545  
Email: mjohnson@sonnenschein.com

7. By this application, Company requests expanded authority to provide basic local telecommunications service on a competitive basis in Missouri to business and residential subscribers in all exchanges currently served by CenturyTel, Southwestern Bell telephone, L.P. d/b/a SBC Missouri, and Sprint Missouri, Inc. Applicant's proposed service areas will follow the respective exchange boundaries of the stated incumbent local exchange carriers and shall be no smaller than the exchange, pursuant to Section 392.455(3) RSMo. These services will be offered twenty-four (24) hours per day, seven (7) days a week, at rates, terms and conditions established by the Company.

8. Company possesses the managerial and technical expertise to provide switched basic local exchange telecommunications services. An overview of the Company's managerial expertise, pursuant to Section 392.455(1) RSMo, is attached hereto at **Exhibit B**.

9. Company possesses the necessary financial qualifications to provide the services it proposes pursuant to Section 392.455(1) RSMo, and has the necessary capital to conduct its

proposed Missouri operations. Company provides its most recent financial statements attached hereto at **Exhibit C**. As the Company is initiating its operations, the Company has no subscribers and has not yet generated revenues. Expenses reflect Company investments in initiating operations. Company seeks to provide non-switched data services which supplement, but do not replace subscriber basic local services, thus mitigating risk to subscribers. Company possesses sufficient capitalization to provide non-switched data services to the public.

10. Company's tariff MO. P.S.C. No. 1 containing the rules and regulations applicable to its customers and a description of services offered, and approved under tariff number YX-2003-2008, is a matter of record with the Commission. Company's tariff remains unchanged.

11. Company requests that its classification as a competitive carrier granted under Docket No. XA-2003-0498 be extended to the Company's basic local telecommunications service authority.

12. Company will comply with Sections 392.200 and 392.455 RSMo., and will not unjustly discriminate among its customers with respect to the provision of switched basic local exchange services.

13. Pursuant to Section 386.570 RSMo., Company will comply with all applicable Commission rules. Company requests that the waiver of those rules and statutory obligations granted to the Company under Docket No. XA-2003-0498, apply equally to Applicant's provision of switched basic local exchange services. Such rules and statutory waivers previously granted to the Company include waiver of:

### Missouri Commission Rules

4 CSR 240-10.020	Depreciation fund income.
4 CSR 240-30.010(2)(C)	Rate schedules should be posted at central office.
4 CSR 240-30.040	Uniform system of accounts.
4 CSR 240-33.030	Inform customers of lowest price.

### Missouri Statutes

Section 392.210.2	Uniform System of Accounts.
Section 392.240(1)	Just and Reasonable Rates.
Section 392.270	Ascertain Property Values.
Section 392.280	Depreciation Accounts.
Section 392.290	Issuance of Securities.
Section 392.300.2	Acquisition of Stock.
Section 392.310	Issuance of Stocks and Debt.
Section 392.320	Stock Dividend Payment.
Section 392.330	Issuance of Securities, Debts, and Notes.
Section 392.340	Reorganizations.

14. Company has no annual reports or regulatory assessment fees that are overdue in Missouri.

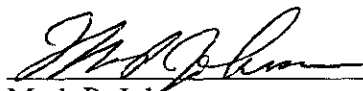
15. Company has no pending actions or final unsatisfied judgments or decisions against it from any state or federal agency or court that involve customer service or rates. Furthermore, no action, judgment or decision involving customer service or rates has occurred within three (3) years of this Application's filing date.

16. Company requests that the instant application be granted on an expedited basis. Company seeks expanded switched basic local service authority exclusively to comply with CenturyTel collocation requirements, thereby enabling Company to begin in the provision of its non-switched data services. Company has been granted resold interexchange and non-switched based authority under Case No. XA-2003-0498, and its operations are a matter of record with the Commission. There are no changes in Company operations or deployment plans since the

submission of its May 19, 2003 Application in that case. Company respectfully requests that the instant Application receive expedited treatment to enable Company to mitigate delays caused by CenturyTel's unanticipated collocation requirements and to begin providing its non-switched data services to the public.

WHEREFORE, Rystec, Inc. respectfully requests the Commission to grant it an expanded Certificate of Authority to provide competitively-classified switched basic local exchange telecommunications services to the public in the state of Missouri; an order waiving the standard statutory and regulatory requirements waived for other basic local exchange carriers; and such other orders and further relief that the Commission deems appropriate, on an expedited basis.

Respectfully submitted,



Mark P. Johnson  
SONNENSCHN NATH & ROSENTHAL LLP  
4520 Main Street  
Suite 1100  
Kansas City, MO 64111  
Telephone: 816/460-2400  
Facsimile: 816/531-7545

Attorneys for Rystec, Inc.

Andrew O. Isar  
Miller Isar, Inc  
7901 Skansie Avenue, Suite 240  
Gig Harbor, WA 98335  
Telephone: 253.851.6700  
Facsimile: 253.851.6474

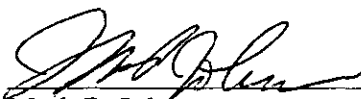
Consultants to Rystec, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been hand-delivered or mailed, postage prepaid, this 25<sup>th</sup> day of August 2003, to:

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

Dana K. Joyce, General Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, Missouri 65102

  
\_\_\_\_\_  
Mark P. Johnson



**EXHIBIT A**

**Certificate of Good Standing**  
(attached)

# STATE OF MISSOURI



Matt Blunt  
Secretary of State

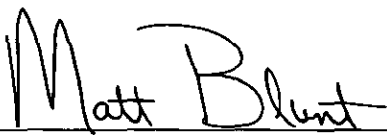
**CORPORATION DIVISION  
CERTIFICATE OF GOOD STANDING**

I, MATT BLUNT, Secretary of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

**IVALVE, INC.  
00514277**

was created under the laws of this State on the 25th day of October, 2002, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 25th day of August, 2003

  
Secretary of State



Certification Number: 6042745-1 Page 1 of 1 Reference:

Verify this certificate online at <http://www.sos.state.mo.us/businessentity/verification>

## **EXHIBIT B**

### **Managerial and Technical Experience**

#### **PROFILE OF MARC RYS**

#### **PRESIDENT, RYSTEC, INC.**

Mr. Rys has been involved in the internet and telecommunications industry for more than six years. Mr. Rys founded an Internet Service Provider, Inter-linc.net, in late 1997 to provide Internet access in southwest Missouri, particularly in the Branson area. Over the next five years, under Mr. Rys' supervision, Inter-linc.net attracted over 5,000 customers. Toward the end of 2002, the company was providing a variety of telecommunications services, including 56k dial-up Internet access, DSL, wireless, and dedicated frame relay. In the course of his ownership and operation of Inter-linc.net, Mr. Rys set up wide area networks spanning 12 different towns in Missouri. Mr. Rys utilized frame relay, point to point T1s, and ATM DS3 circuits in constructing these networks. He functioned as chief Network Administrator for Inter-linc.net, and it was his responsibility to order and manage channelized T1 service for Internet customers to gain dial up access to the network. Mr. Rys was also in charge of the business operations of Inter-linc.net, including the selection and supervision of qualified network and database administrators and support technicians.

**EXHIBIT C**

Financial Statements  
(attached)

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08/14/03

Accrual Basis

**RYSTEC, INC.**  
**Balance Sheet**  
**As of August 14, 2003**

	<u>Aug 14, 03</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
Checking/Savings	
Great Southern Bank	<u>1,000.00</u>
<b>Total Checking/Savings</b>	<u>1,000.00</u>
<b>Total Current Assets</b>	<u>1,000.00</u>
<b>Fixed Assets</b>	
Equipment	<u>1,489.69</u>
<b>Total Fixed Assets</b>	<u>1,489.69</u>
<b>TOTAL ASSETS</b>	<u><u>2,489.69</u></u>
<b>LIABILITIES &amp; EQUITY</b>	
Equity	
Opening Bal Equity	<u>2,489.69</u>
<b>Total Equity</b>	<u>2,489.69</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>2,489.69</u></u>

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08/14/03

Accrual Basis

**RYSTEC, INC.**  
**Profit & Loss**  
January 1 through August 14, 2003

Jan 1 - Aug 14, 03

Net Income 0.00