

ORIGINAL

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OF COUNSEL

September 3, 1999

FILED

SEP 3 1999

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

Missouri Public
Service Commission

TA2000-216


Re: Ciera Network Systems, Inc.
Interexchange/Non-Switched Local Exchange Application

Dear Mr. Roberts:

Please find enclosed for filing in the above-referenced case an original and fourteen copies of Ciera Network Systems, Inc.'s Application For A Certificate Of Service Authority And For Competitive Classification. This Application is for interexchange and non-switched local exchange service authority and includes as Appendix 2 to the Application Applicant's proposed tariff bearing an effective date of October 18, 1999. Also please find enclosed an additional three copies of Applicant's proposed tariff for the Commission's tariff file.

Copies of this filing have been sent this date to the General Counsel's Office and the Office of the Public Counsel. Thank you.

Sincerely,


Brent Stewart

CBS/bt

Enclosure

cc: General Counsel's Office
Office of the Public Counsel
Robert W. Livingston

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FILED

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

SEP 3 1999

Missouri Public
Service Commission

In the Matter of the Application of Ciera Network)
Systems , Inc. for a Certificate of Service)
Authority to Provide Intrastate Interexchange)
and Non-Switched Local Exchange)
Telecommunications Services to the public)
within the State of Missouri and for)
Competitive Classification.)

Case No. TA-2000-216

APPLICATION FOR INTEREXCHANGE AND
NON-SWITCHED LOCAL EXCHANGE SERVICE AUTHORITY
AND FOR COMPETITIVE CLASSIFICATION

Comes now Ciera Network Systems, Inc. ("Applicant" or "CNS"), by and through counsel, and pursuant to Sections 392.361, 392.420, 392.440 RSMo 1994, Section 392.410 RSMo Supp. 1998, and 4 CSR 240-2.060(4), files this Verified Application requesting that the Missouri Public Service Commission (hereinafter "the Commission") issue an order that:

- (a) grants Applicant a certificate of service authority to provide intrastate resold, interexchange and non-switched local exchange telecommunications services, as herein more specifically defined, pursuant to Chapter 392 RSMo;
- (b) grants competitive status to Applicant and Applicant's requested services; and
- (c) waives certain Commission rules and statutory provisions pursuant to Sections 392.420 and 392.361 RSMo 1994, consistent with the Commission's past treatment of other certificated providers of competitive interexchange/dedicated private line telecommunications services.

In support of its request, Applicant states that:

1. Applicant is a corporation formed and operating under the laws of the State of Texas and is duly authorized to transact business in the State of Missouri. Pursuant to the relevant provisions of 4 CSR 240-2.060, documents from the Missouri Secretary of State's Office are

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attached hereto and incorporated herein by reference as Appendix A. Applicant's principal place of business is Ciera Network Systems, Inc., 2630 Fountainview, Suite 300, Houston, Texas 77057 and its telephone number is (713) 914 - 3850.

2. All communications, notices, orders and decisions respecting this Application and proceeding should be addressed to:

Charles Brent Stewart
Stewart & Keevil, L.L.C.
1001 Cherry Street
Suite 302
Columbia, Missouri 65201
(573) 499-0635
(573) 499-0638 (fax)

with a copy to:

Robert W. Livingston, Chief Executive Officer
Ciera Network Systems, Inc.
2630 Fountainview, Suite 300
Houston, Texas 77057
(713) 914 - 3850
(713) 914 - 3851 (fax)

Questions concerning Applicant's ongoing operations should be directed to Mr. Livingston at the above address and phone number. Questions regarding Applicant's proposed tariff should be directed to Laura Anson, Consultant, at (573) 680-6923 or to Mr. Stewart.

3. By this Application, Applicant proposes to provide various types of intrastate interexchange and non-switched private line telecommunications services throughout the state of Missouri on a resold basis. At this time Applicant is seeking authority to provide non-switched, dedicated private line services. Specifically, Applicant seeks authority to provide a full range of 1+ interexchange services, MTS, out-WATS, in-WATS, and Calling Card services, and where

appropriate, non-switched local exchange/private line services. Applicant provides telecommunications services to small and medium volume business users and residential customers. Applicant combines high quality transmission services with very competitive rates, flexible end user billing, professional customer service and excellent reporting to create a unique blend, which meets individualized needs of such business/residential customers. Applicant intends to engage primarily in "switchless" resale. Applicant will arrange for the traffic of underlying subscribers to be routed directly over the networks of Applicants' network providers. Pursuant to 4 CSR 240-2.060(4)(H), Applicant's proposed tariff bearing an effective date of **October 18, 1999** is attached hereto and incorporated herein by reference as Appendix B.

4. Applicant requests that it and all its services proposed herein be classified as competitive. Applicant's proposed services herein fall within the category of the types of services which have routinely been authorized by the Commission for numerous other competitive carriers upon verified application without the need for evidentiary hearings. Applicant's proposed services will be subject to sufficient competition to justify a lesser degree of regulation; granting this Application will allow greater price and service options for telecommunications customers and will be in the public interest. Granting Applicant's requested competitive classifications is consistent with past Commission treatment of other competitive certificated interexchange/private line carriers and will encourage competition consistent with the public policy of Federal Telecommunications Act of 1996 and Chapter 392 RSMo.

5. Applicant is willing to comply with all applicable Commission orders, rules and regulations. Applicant requests however, pursuant to Section 392.440 RSMo 1994, that the Commission at minimum waive the application of the following rules and statutory provisions as

they relate to the regulation of Applicant to the extent that they previously and routinely have been waived for other certificated competitive interexchange/private line carriers:

Statutes

- 392.240(1)--ratemaking
- 392.270--valuation of property (ratemaking)
- 392.280--depreciation accounts
- 392.290--issuance of securities
- 392.310--stock & debt issuance
- 392.320--stock dividend payment
- 392.330--issuance of securities, debts and notes
- 392.340--reorganizations

Commission Rules

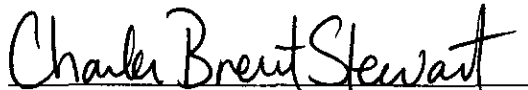
- 4 CSR 240-10.020 --depreciation fund income
- 4 CSR 240-30.010(2)(C) --rate schedules
- 4 CSR 240-30.040 --Uniform System of Accounts
- 4 CSR 240-32.030(1)(B) --exchange boundary maps
- 4 CSR 240-32.030(1)(C) --record keeping
- 4 CSR 240-32.030(2) --in-state record keeping
- 4 CSR 240-32.050(3) --local office record keeping
- 4 CSR 240-32.050(4) --telephone directories
- 4 CSR 240-32.050(5) --call intercept
- 4 CSR 240-32.050(6) --telephone number changes
- 4 CSR 240-32.070(4) --public coin telephone
- 4 CSR 240-33.030 --minimum charges rule
- 4 CSR 240-33.040(5) --financing fees

6. Applicant is financially capable of providing the services proposed. Applicant also possesses the necessary technical and managerial expertise and experience necessary to provide the services it proposes to offer at standards that will meet or exceed all service standards established by the Commission.

WHEREFORE, Applicant respectfully requests that the Commission: 1) expeditiously grant it a certificate of service authority to provide intrastate, resold interexchange and non-switched local

exchange telecommunications services within the State of Missouri; 2) grant Applicant and its proposed services competitive status; and 3) waive the application of the above-referenced statutes and Commission rules; all consistent with past Commission practice and the Commission's treatment of other certificated, competitive providers of intrastate interexchange/private line telecommunications services.

Respectfully submitted,

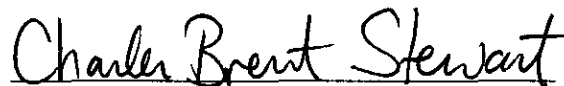


Charles Brent Stewart, MoBar, #34885
STEWART & KEEVIL, L.L.C.
1001 Cherry Street, Suite 302
Columbia, Missouri 65201
(573) 499-0635

ATTORNEY FOR APPLICANT
CIERA NETWORK SYSTEMS, INC.

CERTIFICATE OF SERVICE


I hereby certify that a copy of the foregoing Verified Application has been sent this date to the General Counsel's Office and the Office of the Public Counsel by hand-delivery, this 3rd day of September, 1999.



VERIFICATION

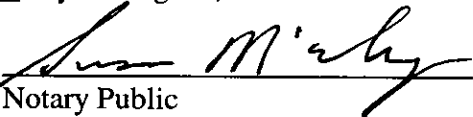
STATE OF TEXAS)
)
COUNTY OF HARRIS)

Robert W. Livingston, being first duly sworn, deposes and states: That he is the Chief Executive Officer for Ciera Network Systems, Inc., the Applicant in the foregoing Application; that he has read the foregoing Application, knows the contents thereof, and is authorized to verify the accuracy of same; and that the statements contained in the Application are true to his best knowledge, information and belief.



Robert W. Livingston
Chief Executive Officer
Ciera Network Systems, Inc.

Subscribed and sworn to before me this 30 day of August , 1999.



Notary Public

(Seal) 

My commission expires: June 29, 2003

Ciera Network Systems, Inc.
IXC Application
MoPSC Case No. TA-2000-_____

APPENDIX A

Missouri Secretary of State

Documents

STATE OF MISSOURI



Rebecca McDowell Cook
Secretary of State

CORPORATION DIVISION

CERTIFICATE OF CORPORATE GOOD STANDING - FOREIGN CORPORATION

I, REBECCA McDOWELL COOK, SECRETARY OF STATE OF THE STATE OF MISSOURI, DO HEREBY CERTIFY THAT THE RECORDS IN MY OFFICE AND IN MY CARE AND CUSTODY REVEAL THAT

CIERA NETWORK SYSTEMS, INC.

USING IN MISSOURI THE NAME

CIERA NETWORK SYSTEMS, INC.

A TEXAS CORPORATION FILED ITS EVIDENCE OF INCORPORATION WITH THIS STATE ON THE 1ST DAY OF JULY, 1999, 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 2ND DAY OF SEPTEMBER, 1999.

Rebecca McDowell Cook
Secretary of State





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

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

JUL 01 1999

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

Rebecca McDowell Cook
 SECRETARY OF STATE

- (1) The corporation's name is Ciera Network Systems, INC.
 and it is organized and existing under the laws of Ciera Network Systems, INC.
- (2) The name it will use in Missouri is Ciera Network Systems, INC.
- (3) The date of its incorporation was 12/28/98, and the period of its duration is PERPETUAL
month/day/year
- (4) The address of its principal place of business 11200 Westheimer, #900 Houston, TX 77042
Address City/State/Zip
- (5) The name and address of its registered agent and office in the State of Missouri is
H I Q Corporate Services, Inc. 300-B East High Street, Jefferson City, MO. 65101.
Name Address City/State/Zip
- (6) The specific purpose(s) of its business in Missouri are:
RESELL OF COMMUNICATIONS SERVICES

(7) The name of its officers and directors and their business addresses are as follows:

(Officers)	Name	Address	City/State/Zip
President	<u>James Jarrett</u>	<u>11200 Westheimer, #900</u>	<u>Houston, TX 77042</u>
Vice President	<u>N/A</u>		
Secretary	<u>James Jarrett</u>	<u>11200 Westheimer, #900</u>	<u>Houston, TX 77042</u>
CEO	<u>Robert W. Livingston</u>	<u>11200 Westheimer, #900</u>	<u>Houston, TX 77042</u>
Treasurer			

(Board of Directors)

- Director James Jarrett, 11200 Westheimer, #900, Houston, TX 77042
- Director Robert W. Livingston, 11200 Westheimer, #900, Houston, TX 77042
- 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.

RW Livingston
 (Authorized signature of officer or chairman of the board)

CEO
 (Title)

6-17-99
 (Date of Signature)

Note: You must have a current certificate of good standing or certificate of existence with this application.