

WILLIAM D. STEINMEIER, P.C.

2031 TOWER DRIVE
JEFFERSON CITY, MISSOURI (MO) 65109

WILLIAM D. STEINMEIER
ATTORNEY AT LAW
REGULATORY CONSULTANT
(573) 659-8672
FAX (573) 636-2305

MAILING ADDRESS:
POST OFFICE BOX 104595
JEFFERSON CITY, MISSOURI (MO)
65110-4595

MARY ANN YOUNG
ATTORNEY AT LAW
OF COUNSEL
(573) 634-8109
FAX (573) 634-8224

March 31, 2000

Mr. Dale Hardy Roberts
Executive Secretary-Chief Regulatory Law Judge
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102-0360

RE: Case No. TM-2000-615
Application of Access Point, Inc.

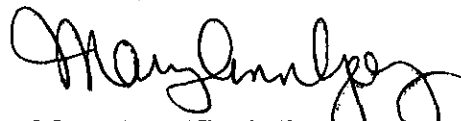
FILED²
MAR 31 2000
Missouri Public
Service Commission

Dear Mr. Roberts:

Enclosed please find an original and fourteen copies of the **Application** of Access Point, Inc. for approval of a transaction to acquire customers of Efficacy Group, Inc., for filing with the Commission.

Thank you for your assistance in processing this filing. Copies are being served on the Office of Public Counsel and General Counsel's office. If there are any questions, please call me at 634-8109.

Sincerely,


Mary Ann (Garr) Young

Enclosure

cc: Office of Public Counsel
General Counsel's Office
Harry Malone, SBSF

BEFORE THE
STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

FILED²
MAR 31 2000
Missouri Public
Service Commission

Application of Access Point, Inc.)
for Approval of a Transaction Whereby)
Access Point, Inc., Will Acquire Selected)
Customers of Efficacy Group, Inc.)

Case No. TM-2000-615

APPLICATION

I. INTRODUCTION

Access Point, Inc. ("Access Point" or "Applicant"), by its undersigned counsel and pursuant to § 392.200 RSMo. and 4 CSR 240-2.060(5), hereby requests approval of a transaction whereby Access Point acquires selected business and residential customers of Efficacy Group, Inc. ("Efficacy") in Missouri. Access Point requests permission to transfer these Efficacy customers to its customer base and a waiver of the applicable subscriber authorization and verification requirements for the change of customers' primary interexchange carrier,¹ 4 CSR 240-33.150. Access Point respectfully requests expedited treatment of this Application. In support of its request, Applicant respectfully provides the following information:

II. THE PARTIES

A. Access Point, Inc.

Access Point is a North Carolina corporation and a direct, wholly-owned subsidiary of Access Point Communications, Inc. ("APCI"), a Delaware corporation. Access Point and APCI maintain their principal offices at 1100 Crescent Green, Suite 109, Cary, North Carolina 27511.

¹ Concurrent with this filing, Access Point has petitioned the Federal Communications Commission to grant a limited waiver of its subscriber carrier selection rules (47 C.F.R. §§ 64.1100 through 64.1190) and relevant Orders to the extent necessary to permit Access Point to transfer selected customers of Efficacy to the Access Point's customer base without first obtaining the customers' authorization and verification.

Access Point is authorized to provide intrastate resold interexchange services in 44 states. Access Point is authorized to provide facilities-based interLATA and intraLATA interexchange service within the State of Missouri pursuant to the Commission's Order of October 15, 1997, in Case No. TA-98-106. Documentation from the Missouri Secretary of State's Office showing Access Point's authorization to do business in Missouri was provided in Case No. TA-98-106, and is incorporated herein by reference. APCI is authorized by the Federal Communications Commission ("FCC") to provide international switched and private line telecommunications services between the United States and various international points.²

Access Point is an experienced and duly certificated non-dominant, resale-based interexchange carrier in Missouri and has sufficient managerial and financial qualifications to acquire the customer assets of Efficcy, as described below, and to ensure the uninterrupted provision of telecommunications services.

B. Efficcy Group, Inc.

Efficcy, a South Carolina corporation with principal offices located at 16 Hyland Road, Suite D, Greenville, South Carolina, 29615 was authorized in Case No. TA-98-173 to provide interexchange telecommunications services in the State of Missouri. Documentation from the Missouri Secretary of State's Office showing Efficcy's authorization to do business in Missouri was provided in Case No. TA-98-173, and is incorporated herein by reference.

² Access Point holds Section 214 global resale authority pursuant to Section 214 of the Communications Act of 1934, as amended. FCC File No. ITC-97-729, Public Notice Report No. I-8284 (Jan. 15, 1998)(global resale service).

III. DESIGNATED CONTACTS

The designated contacts for questions concerning this Application are:

Harry N. Malone
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
(202) 424-7500 (Tel.)
(202) 424-7645 (Fax)

and as Missouri counsel for applicant:

Mary Ann (Garr) Young
William D. Steinmeier, P.C.
2031 Tower Drive
Jefferson City, MO 65110-4595
(573) 634-8109 (Tel.)
(573) 634-8224 (Fax)

with a copy to:

Brian Gilman.
Access Point Corp.
1100 Crescent Green, Suite 109
Cary, North Carolina 27511
(919) 851-4838

IV. THE TRANSACTION

Pursuant to an agreement executed with Efficcy, Efficcy and Access Point intend to transfer substantially all of the assets of Efficcy, including customer accounts and accounts receivables, to Access Point. Efficcy has decided to terminate service to these customers and agreed to transfer these customer accounts to Access Point pursuant to the agreement. Access Point intends to migrate approximately 45 Missouri customers from Efficcy to Access Point. Access Point will provide interexchange service to these customers under the same or better rates as provided by Efficcy.

Prior to the transfer of these customers to Access Point, Access Point will provide them with notice of the changes in their interexchange service provider. See Exhibit 1. These customers will be notified, via a letter that states: (a) the quality of service to the customers will remain the same and that Access Point will continue to provide service to the customers with the same or better services and rates currently provided to them by Efficy; (b) they have the right to switch to the interexchange carrier of their choice; (c) Access Point will reimburse customers for any primary interexchange carrier ("PIC") change charges if imposed by local exchange carriers ("LECs") in connection with this transaction; and (d) the customers may contact Access Point via a toll-free number with any questions regarding the switch over. Access Point will also amend its tariff to include the applicable Efficy services and rates for those customers. After consummation of the transfer, Access Point will send another notification letter welcoming customers and reiterating statements (a) through (d) above. Therefore, other than the identity of the carrier providing their interexchange service, the transaction will be completely transparent to customers and will not involve a change in the manner or quality in which Efficy's customers will receive their telecommunications services.

As such, this transaction will neither disrupt the service nor cause inconvenience or confusion to Efficy's customers. Similarly, the proposed transaction will have no effect on the operation of Access Point, which will continue to provide intrastate telecommunications services to customers pursuant to its existing authorization.

There are no pending or final judgments or decisions against Access Point, the purchaser, from any state or federal agency which involve customer service or rates.

The proposed transaction will not have any impact on the tax revenues of any political subdivision in the state of Missouri.


Harry N. Malone DC Bar #462469
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
(202) 424-7500 (Tel.)
(202) 424-7645 (Fax)

Counsel for Access Point, Inc.

Dated: March 31, 2000

Certificate of Service

I hereby certify that copies of the foregoing Application have been served on the Office of Public Counsel and General Counsel, by hand delivery or depositing same in the U.S. Mail, postage prepaid, this _31st day of March 2000.



Mary Ann (Garr) Young

Exhibit 1

ACCESS POINT, INC.

NOTICE OF CHANGE IN LONG DISTANCE SERVICE PROVIDER

[DATE]

Dear Current Efficacy Group, Inc. Long Distance Customer:

Access Point, Inc. ("Access Point") and Efficacy Group, Inc. ("Efficacy") are pleased to announce that as of [DATE], Efficacy's customers will begin receiving long distance service from Access Point. Through an agreement between Access Point and Efficacy, Access Point will begin providing long distance services to the customers of Efficacy in Missouri.

Please note the following important information:

1. Access Point will provide you with the same or better high quality telecommunications services as Efficacy.
2. The long distance services will be provided at the same or better rates than you currently receive from Efficacy.
3. In the event that you would prefer to use another company as your long distance carrier, you have the right to switch to a long distance carrier of your choice.
4. Access Point will reimburse you for any primary long distance carrier change charges if they are imposed by your local exchange carrier in connection with the switch over to Access Point.
5. You may contact Access Point at its toll-free number, 1-800-957-6468, with any questions regarding your change in service to Access Point.

Access Point extends a special welcome to all Efficacy customers. We realize you have a choice of telecommunications carriers, and we appreciate your business. Please call Access Point at its toll-free customer service number, 1-800-957-6468, if you have any concerns or questions.

Sincerely,

Access Point, Inc.