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May 9, 2002

**VIA OVERNIGHT DELIVERY**

Mr. Dale Roberts  
Chief A.L.J./Executive Secretary  
Missouri Public Service Commission  
200 Madison Street, Suite 100  
Jefferson City, MO 65102  
(573) 751-3234

Re: LCR TELECOMMUNICATIONS, L.L.C.  
Case No. TA-2002-412; Tariff No. 200200741

Dear Mr. Roberts:

Pursuant to Order Suspending Tariff, Directing Notice, and Directing Filing dated April 19, 2002, attached please find for filing an original and eight (8) copies of LCR TELECOMMUNICATIONS, L.L.C.'s Responses.

I have also enclosed an extra copy of this letter to be date stamped and returned to me in the enclosed, self-addressed, postage prepaid envelope.

If you have any questions or if I may provide you with any additional information, please do not hesitate to contact me.

Please note that this Application is being submitted by myself and Judith A. Rau, Esq., Missouri Counsel, Bar # 24856.

Respectfully submitted,

  
Lance J.M. Steinhart  
Attorney for LCR TELECOMMUNICATIONS, L.L.C.

Enclosures

cc: Mari Demsky  
Office of Public Counsel  
Office of General Counsel

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

In the Matter of the Application of	)	
LCR TELECOMMUNICATIONS, L.L.C.	)	
for a Certificate of Service Authority to	)	<b><u>Case No. TA-2002-412</u></b>
Provide Interexchange Telecommunications	)	Tariff No. 200200741
Services and to Classify Such Services	)	
and the Company as Competitive.	)	

**APPLICANT'S RESPONSE TO ORDER SUSPENDING TARIFF,  
DIRECTING NOTICE, AND DIRECTING FILING**

On March 7, 2002, LCR Telecommunications, L.L.C., filed an application for a certificate of service authority to provide interexchange telecommunications services. Applicant also filed a proposed tariff with an effective date of April 20, 2002.

On March 18, 2002, the Office of the Public Counsel filed a Request for an Evidentiary Hearing. Public Counsel notes that it has discovered that Applicant's founding and managing member, Martin J. Tibbitts, was from 1994 to 1997 a principal in Least Cost Routing Ltd., a now-dissolved long distance provider. Public Counsel believes that Least Cost Routing Ltd. entered into a voluntary compliance agreement in Oregon after the Oregon Department of Justice brought an action for unlawful trade practices on behalf of 160 Oregon customers for slamming. In addition, the Consumer Protection Unit of the Attorney General of the State of Idaho received more than 125 complaints about Least Cost Routing Ltd. and brought an action for deceptive business practices and slamming. Public Counsel requests that the Commission hold an evidentiary hearing to establish whether or not the Applicant meets the statutory standards and should be certificated in Missouri.

On April 4, 2002, the Staff of the Missouri Public Service Commission filed its recommendation, recommending that the Commission deny Public Counsel's request for an evidentiary hearing and instead approve the application. Staff suggests that the Public Counsel

may have confused the Applicant, LCR Telecommunications, L.L.C., a Michigan LLC, and Least Cost Routing, Ltd, a California limited partnership, both of which are or were connected with Marvin Tibbitts, with Least Cost Routing, Inc. d/b/a Long Distance Charges, Inc., a Delaware corporation. Staff states that the Commission has previously received an application for certificate of service authority from Least Cost Routing, Inc. d/b/a Long Distance Charges, Inc., in Case No. TA-99-393. Staff's recommendation in that case, documenting Staff's research and including references to Idaho and Oregon, was attached as Exhibit B to Staff's recommendation. Staff states that it has been unable to discover any connection between Least Cost Routing, Inc. d/b/a Long Distance Charges, Inc. and the Applicant or Applicant's personnel, and thus recommends that the Commission deny the request for evidentiary hearing. Staff further recommends that the Commission grant Applicant a certificate of service authority and grant approval of the proposed tariff, with an effective date of April 20, 2002.

Public Counsel filed a Reply on April 5, 2002, indicating that an evidentiary hearing and investigation into the Applicant is mandated. Public Counsel notes that the Applicant has not responded to Public Counsel's concerns regarding its qualifications or whether or not the grant of a certificate is in the public interest. According to Public Counsel, Applicant's silence raises more questions. Public Counsel indicates that under Section 392.450, RSMo 2000, the "commission shall approve an application for a certificate of local exchange service authority . . . only upon a showing by the applicant, and a finding by the commission, after notice and hearing that the applicant has complied with the certification process . . . ." Public Counsel states that as it has requested a hearing under Section 392.450, a hearing must be held.

On April 19, 2002, the Commission issued an Order Suspending Tariff, Directing Notice, and Directing Filing. The Applicant's response is as follows:

1. Applicant's founding and managing member, Martin J. Tibbitts, was from 1994 to 1997 a principal in Least Cost Routing Ltd., a now-dissolved long distance agent. Neither Least Cost Routing Ltd. nor Applicant entered into a voluntary compliance agreement in Oregon after the Oregon Department of Justice brought an action for unlawful trade practices on behalf of 160 Oregon customers for slamming. In addition, neither Applicant nor Least Cost Routing, Ltd. was involved when the Consumer Protection Unit of the Attorney General of the State of Idaho received more than 125 complaints about Least Cost Routing Inc. and brought an action for deceptive business practices and slamming.

2. In Case No. TA-99-393, Least Cost Routing, Inc., a Delaware corporation (Least Cost Routing Inc.) applied for a Certificate of Service Authority to provide interexchange telecommunications services pursuant to Chapter 392 of the Missouri Revised Statutes. On July 19, 1999, Counsel for Applicant, submitted a letter to the Commission, to the attention of Julie Kardis, in which LCR submitted copies of settlement agreements between Least Cost Routing Inc. and the following: Ameritech Corporation, U S WEST, Inc., State of Arizona, State of Illinois, State of Idaho, State of Oregon, Florida PSC, Georgia PSC, Louisiana PSC, and Mississippi PSC. There is no commonality of ownership, directors or officers between Least Cost Routing Inc. and Applicant. Least Cost Routing Inc. was a Delaware corporation, and Applicant is a Michigan limited liability company.


3. Applicant supports Staff's April 4, 2002 recommendation, specifically as follows:

- (a) The Commission should deny Public Counsel's request for an evidentiary hearing and instead approve the application;
- (b) Public Counsel has confused the Applicant, LCR Telecommunications, L.L.C., a Michigan LLC, and Least Cost Routing, Ltd, a California limited partnership, both of which are or were connected with Martin Tibbitts, with Least Cost Routing, Inc. d/b/a Long Distance Charges, Inc., a Delaware corporation;
- (c) There is no connection between Least Cost Routing, Inc. d/b/a Long Distance Charges, Inc. and the Applicant or Applicant's personnel.

Applicant, through its counsel, is available to answer any questions Staff, Public Counsel, or the Commission may have.

**WHEREFORE**, Applicant, LCR TELECOMMUNICATIONS, L.L.C., respectfully requests that the Missouri Public Service Commission: 1. Grant Applicant a certificate of service authority to provide interexchange telecommunications services within the State of Missouri; 2. Grant Applicant's request for classification as a competitive telecommunications company and that its services be classified as competitive; and 3. Grant Applicant's request for a waiver of the rules and statutory provisions referenced in its Application. Applicant hereby further respectfully requests that the proposed tariff filed on March 7, 2002, by LCR Telecommunications, L.L.C., and assigned Tariff No. 200200741, shall become effective on the date that Applicant's certificate of service authority is granted.

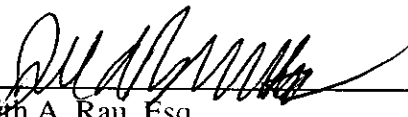
Respectfully submitted,



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and



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Attorneys for Applicant

State of Michigan

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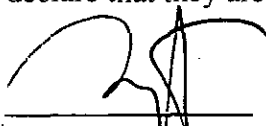
County of Wayne

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**VERIFICATION**


I, Martin J. Tibbitts, being duly sworn, declare that I am the Managing Member of LCR TELECOMMUNICATIONS, L.L.C., the Applicant. I verify that, based upon information and belief, I have knowledge of the statements in the foregoing Response to Order Suspending Tariff, Directing Notice, and Directing Filing, and I declare that they are true and correct.



Martin J. Tibbitts  
Managing Member

Sworn to before me, the undersigned Notary Public on this

8 day of May, 2002.



Notary Public

Philip PATANIS

Print or Type Name

My commission expires:

PHILIP PATANIS

NOTARY PUBLIC WAYNE CO., MI

MY COMMISSION EXPIRES Mar 10, 2005




## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Applicant's Response to Order Suspending Tariff, Directing Notice, and Directing Filing on the following parties, in accordance with the Commission rules:

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

General Counsel  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

Dated this 14 day of May, 2002.

  
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Lance J.M. Steinhart  
Georgia Bar No. 678222