

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Application of Socket Telecom, )  
LLC to Expand its Certificate of Basic Local )  
Service Authority to include provision of Basic )  
Local Exchange Telecommunications Services )  
throughout the State of Missouri and to Continue )  
to Classify the Company and its Services as )  
Competitive. )  
)  
)

Case No. TA-2010-0006

**AMENDMENT TO STAFF RECOMMENDATION**

**COMES NOW** the Staff of the Missouri Public Service Commission and for its Amendment to Staff Recommendation respectfully states:

1. On July 23, 2009, Staff filed a recommendation that the Commission grant Socket Telecom, LLC a certificate of service authority to expand its certificate of basic local authority in all exchanges throughout the State of Missouri and to classify Applicant and its services as competitive

2. In its recommendation, Staff noted that the Company is delinquent in its MoUSF monthly payments for April, May and June, 2009. It has come to Staff's attention that this is not an accurate statement.

3. The updated supplemental Staff Memorandum reflects that the Company is not delinquent in paying its MoUSF monthly payments.

WHEREFORE, Staff respectfully submits the Amendment to Staff Recommendation.

Respectfully submitted,

/s/ Samuel D. Ritchie  
Samuel D. Ritchie  
Legal Counsel  
Missouri Bar No. 61167

Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-4140 (Telephone)  
(573) 751-9285 (Fax)  
[samuel.ritchie@psc.mo.gov](mailto:samuel.ritchie@psc.mo.gov)

### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 24<sup>th</sup> day of July, 2009.

/s/ Samuel D. Ritchie

**MEMORANDUM**

To: Missouri Public Service Commission Official Case File  
Case No: TA-2010-0006  
Applicant: Socket Telecom, LLC

From: Sara Buyak  
Telecommunications Department

William Voight  
Utility Operations Division/Date

Subject: Staff Supplemental Recommendation for Approval of Certificate  
and/or Initial Tariff

Date: July 24, 2009  
Filing Deadline: July 23, 2009

The Telecommunications Department Staff (Staff) recommends the applicant be granted the following certificate(s), as indicated below, to be effective on the same date the tariff becomes effective:

expand certificate to provide basic local exchange telecommunications services in the following service areas:

- All of AT&T Missouri
- All of Embarq
- All of CenturyTel
- All of Spectra
- Other All exchanges in Missouri (please describe)

- certificate to provide interexchange telecommunications services.
- certificate to provide local exchange telecommunications services.\*

\*local exchange authority should be restricted to dedicated, private line services.

Staff recommends the applicant and its services receive competitive classification. Staff further recommends a Commission order granting certification state that pursuant to Section 392.410 RSMo, unless exercised within a period of one year from the issuance thereof, authority conferred by a certificate of service authority shall be null and void. In addition, Staff recommends approval of the waivers listed in the Notice.

Granting a certificate to provide basic local exchange telecommunications services should be based on the following two conditions:

1. The applicant's originating and terminating access rates shall not exceed the access rates of the incumbent local exchange company against whom the applicant is competing pursuant to Sections 392.361.6 and 392.370 RSMo.
2. If the directly competing ILEC, in whose service area the applicant is operating, decreases its originating and/or terminating access service rates, the applicant shall file an appropriate tariff amendment to reduce its originating

and/or terminating access rates in the directly competing ILEC's service area within 30 days of the directly competing ILEC's reduction of its originating and/or terminating access rates in order to maintain the cap.

- No objection to tariff taking effect (Insert MO PSC number.) Effective Date: The Staff states that the tariff meets the requirements of all applicable statutes, specifically, one or more of the following: Sections 392.200(8), (12); 392.455(3), (4); 392.515(1) and 392.500(2) RSMo. In addition, the tariff filing does not conflict with the following Commission rules: 4 CSR 240-3.545 (4), (6), (7), (8 C,G,H), (9), (15), (16), (19); 4 CSR 240-31.065(1), (2), (3); 4 CSR 240-32.150(5), 32.160(1), (2), 32.190; 4 CSR 240-33.040(4), 33.045(2), 33.050(4) and 33.070(2).
- Tariff was not submitted with application. Pursuant to 4 CSR 240-3.510(1)(C), the applicant cannot lawfully provide service until tariffs are effective.

Additional Comments:

Socket Telecom, LLC proposes to expand its certificate of authority for basic local exchange telecommunications service in all exchanges throughout the State of Missouri.

[Annual report](#)      [Assessment Information](#)

The Company is not delinquent in filing an annual report, paying the PSC assessment, MoUSF, and Relay Missouri.

The Company is delinquent. Staff recommends the Commission grant the requested relief/action on the condition the applicant corrects the delinquency. The applicant should be instructed to make the appropriate filing in this case after it has corrected the delinquency.

( No annual report     Unpaid PSC assessment. Amount owed:  
 Unpaid MoUSF     Unpaid Relay Missouri)

**Review Items for IXC, Non-switched Local and CLEC Certificate Applications (as required by 4 CSR 240-2.060):**

- Proper Secretary of State authorization
- Statement of character of business performed.
- Statement declaring no pending action or final unsatisfied judgments
- Statement declaring no overdue annual reports/assessment fees
- Application includes an affidavit.
  
- The applicant is requesting waivers of rules or statutes previously granted to a competitively classified company

(as required by 392.430/.440):

- Application shows that grant of authority is in the public interest.

**Additional Review Items for CLEC Applications (as required by 392.455 and/or 4 CSR 240-3.510):**

- Possesses sufficient technical, financial and managerial resources and abilities.
- Statement that the applicant will satisfy the minimum standards established by the commission.
- Identifies geographic area (no smaller than an exchange).
- Statement that applicant will offer basic local service as a separate and distinct service.
- Statement that applicant will give equitable access to all Missourians.

**Tariff Review Items (applicable for all competitively classified companies):**

- The tariff meets Staff's review for compliance with rules for competitive company tariff filings.