BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of Syniverse)	
Technologies, Inc. for Certificates of Service)	
Authority to Provide Resold and facilities-)	
Based Basic Local Exchange, Non-switched)	Case No. TA-2008-0299
Local Exchange and Interexchange)	Tariff File No. YX-2008-0552
Telecommunications Services in the State of)	
Missouri and to Classify Those Services and)	
the Company as Competitive)	
1 2 1	,	

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission and for its recommendation states:

- 1. On March 10, 2008, Syniverse Technologies, Inc. (Applicant) filed its Application for certificate of service authority to provide basic local, non-switched local, and interexchange telecommunications services, and for competitive classification. The Applicant also submitted a proposed tariff, P.S.C. MO No. 1 (Tariff File No. YX-2008-0552), for non-switched interexchange and non-switched local exchange telecommunications services...
- 2. In the attached Memorandum, labeled Appendix A, the Staff recommends that the Missouri Public Service Commission grant Applicant a certificate to provide basic local telecommunications services in the service areas of Southwestern Bell Telephone, L.P. d/b/a AT&T Missouri; Embarq Missouri, Inc. d/b/a Embarq; CenturyTel of Missouri, LLC d/b/a CenturyTel; and Spectra Communications Group, LLC d/b/a CenturyTel; conditioned upon certain provisions as set out in the Staff Memorandum. The Staff also recommends that the Commission a certificate grant Applicant to provide intrastate, interexchange telecommunications services and a certificate to provide local exchange telecommunications service restricted to dedicated, private line services.

- 3. The Commission shall grant an application for a certificate of telecommunications service authority upon a finding that the grant of authority is in the public interest. §§ 392.430 and 392.440 RSMo. (2000).
- 4. The Staff also recommends that the Commission classify the Applicant and the services it proposes to offer in its Application as competitive. The Commission may classify a telecommunications provider or its services as competitive if the Commission determines it is subject to sufficient competition to justify a lesser degree of regulation. §392.361.4. All the services a competitive company provides must be classified as competitive. §392.361.3.
- 5. The Staff further recommends that the Commission grant the waivers listed in the Notice of Applications. The Commission may waive the application of its rules and certain statutes if the Commission determines that waiver is consistent with the purposes of Chapter 392. §§ 392.185, 392.361.5 and 392.420.
- 6. The Staff has no objection to the Applicant's proposed tariff for non-switched interexchange and non-switched local exchange telecommunications services taking effect on April 24, 2008.
- 7. The Staff notes that the Commission's rule at 4 CSR 240-3.510(1)(C) states that the applicant cannot lawfully provide service until tariffs are effective. Although the Applicant requests a partial and temporary waiver of 4 CSR 240-3.510(1)(C) because the Applicant did not file a proposed basic local tariff with its application, the Staff sees no need for this waiver to be granted on this basis. The rule states that "filing the tariff and any applicable interconnection agreements simultaneously with the certificate application is optional." As the rule already explicitly states that filing a proposed tariff with the certificate is optional, the Commission need not waive the rule merely because the Applicant has not yet filed a proposed basic local tariff.

Moreover, if the Commission were to waive this rule, it is possible that a waiver could be construed as a waiver of another clause in the rule that states "before service can be provided, a tariff and any applicable interconnection agreements must be filed with the commission and approved." Accordingly, Staff recommends the Commission specifically *not* grant a waiver of this rule.

WHEREFORE, Staff recommends that the Commission grant Syniverse Technologies Inc., a certificate to provide basic local exchange telecommunications services, conditioned upon the provisions described in the Staff Memorandum; a certificate of service authority to provide intrastate, interexchange telecommunications services; and a certificate of service authority to provide local exchange telecommunications service restricted to dedicated, private line services; grant it the requested competitive classification; grant the standard waivers listed in the Commission's Notice of Application; and approve Applicant's P.S.C. MO No. 1 tariff, effective April 24, 2008.

Respectfully submitted,

/s/ William K. Haas
William K. Haas
Deputy General Counsel
Missouri Bar No. 28701

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Certificate of Service

I hereby	certify tha	t copies	of the fo	oregoing	have bee	n mailed,	, hand-delivered,	transmitted by
facsimile	or electron	nically ma	ailed to a	all counse	el of recor	d this 4 th	day of April 2008	3.

/s/ William K. Haas

MEMORANDUM

To:	Missouri Public Service Commission Official			Case File		
	Case No.:	TA-2008-0299		File No.:	YX-2008-0552	
	Applicant:	Syniverse Technologies,	Inc. (STI)			
From:	Telec Wm	Kuss communications Departmen L Voight 04/02/08 y Operations Division/Date			n K. Haas 04/03/08 Counsel's Office/Date	
Cubicate						
Subject:		Recommendation for Appro				
Date:	Aprıl	02, 2008	Filing De	eadline:	N/A	
	The Telecommunications Department Staff (Staff) recommends the applicant be granted the certificate(s) as indicated below, to be effective on the same date the tariff becomes effective:					
 ☐ Certificate to provide basic local exchange telecommunications services in the following service areas: ☐ All of Southwestern Bell Telephone, L.P., d/b/a AT&T Missouri (AT&T Mo) ☐ All of Embarq Missouri Inc. d/b/a Embarq (Embarq) ☐ All of CenturyTel of Missouri, LLC (CenturyTel Mo) ☐ All of Spectra Communications Group, LLC d/b/a CenturyTel (Spectra) ☐ Other (please describe): ☐ Certificate to provide Interexchange telecommunications services. 					souri (AT&T Mo)	
\boxtimes C					ine 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 the certificate to provide basic local exchange telecommunications services should be based on the following conditions:

- 1. The applicant's originating and terminating access rates will be no greater than the lowest Commission approved corresponding access rates in effect for each ILEC within whose service area the applicant seeks authority to provide service, unless authorized by the Commission pursuant to Sections 392.220 and 392.230 RSMo.
- 2. The certificate and service classification for switched access service is conditioned on the continued applicability of Section 392.200 RSMo, and the requirement that any increases in switched access services rates above the maximum switched access

Case No. TA-2008-0299 File No. YX-2008-0552

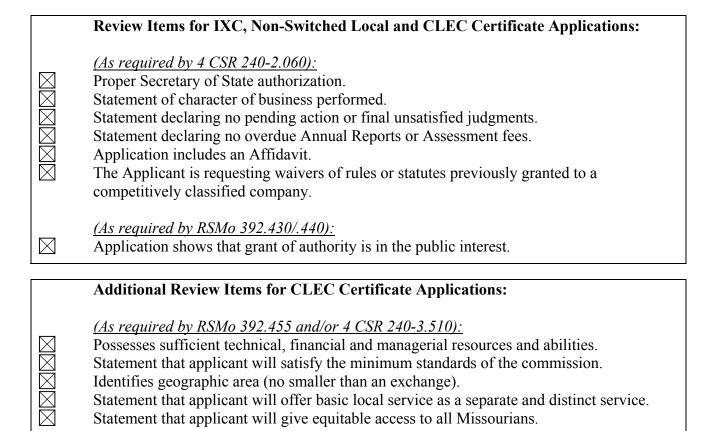
- service rates set forth herein shall be made pursuant to Sections 392.220 and 392.230 RSMo, and not Sections 392.500 and 392.510 RSMo.
- 3. If the directly competing ILEC, in whose service area the applicant is operating, decreases its originating and/or terminating access service rates, the applicant 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.

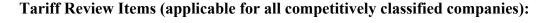
	No objection to tariff taking effect (see below): PSC ID: P.S.C. MO No. 1	Effective Date:	April 24, 2008
	The Staff states that the tariff meets the requirement one or more of the following: Sections 392.200(8), (12); 392.245; 392.455(3), (4 In addition, the tariff filing does not conflict with the tariff meets the requirement of the tariff meets the requirement one or more of the following: Sections 392.200(8), (12); 392.245; 392.455(3), (4) In addition, the tariff filing does not conflict with the tariff); 392.500(2); and he following Com , (16), (19); 4 CSR	392.515(1) RSMo. mission rules: 240-31.065(1), (2),
\boxtimes	Tariff was not submitted with Application. Pursua applicant cannot lawfully provide service until tari		

Additional Comments:

- 1. The proposed tariff P.S.C. MO No. 1 submitted with the Application offers Non-Switched Interexchange and Non-Switched Local (Private Line) Services. References to a submitted tariff herein apply only to the Interexchange Service portion of the Application.
- 2. As implied by the Applicant's request for waiver of 4 CSR 240-3.510(1)(C), no tariff offering Basic Local Exchange Services has been submitted with the instant Application.

\boxtimes	The Company is not delinquent in filing an Annual Report or paying the PSC Assessment.					
	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.					





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

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	AFFIDAVIT OF	Arthur P. Kuss
STATE OF MISSOURI)	pe:	
COUNTY OF COLE	SS:	
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Subscribed and affirmed before it I am commissioned as a Notary I and my commission expires on		nd day of April, 2008. unty of Callaway, State of Missouri 2010
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STATE OF MISSOURI)	ss:	
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