

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of the Application of)
Socket Telecom, LLC)
to Expand Its Certificate of Basic Local) Case No. _____
Service Authority to include provision of)
Basic Local Exchange Telecommunications)
Service throughout the State of Missouri and)
to Continue to Classify the)
Company and its Services as Competitive.)

**APPLICATION OF SOCKET TELECOM, LLC
TO EXPAND CERTIFICATE OF BASIC LOCAL SERVICE AUTHORITY**

COMES NOW Socket Telecom, LLC ("Socket"), by its undersigned counsel, and pursuant to the Federal Telecommunications Act of 1996 ("Act"), Sections 392.361, 392.410, 392.420, 392.430, 392.440, 392.450 and 392.455 RSMo, and 4 CSR 240-2.060 and 4 CSR 240-3.510, hereby applies to expand its certificate of basic local authority to include provision of basic local exchange telecommunications service in all exchanges throughout the State of Missouri. Socket already has obtained authority from the Commission to provide facilities-based and resold basic local telecommunications service in the service territories of Southwestern Bell Telephone Company ("SWBT") n/k/a AT&T, CenturyTel of Missouri, LLC ("CenturyTel"), Spectra Communications Group, LLC ("Spectra"), and Embarq Missouri, Inc. ("Embarq"), as well as interexchange telecommunications services and non-switched local exchange telecommunications services (limited to providing dedicated, non-switched local exchange private line services) throughout the state of Missouri.¹ Socket and its services have been

¹ See *In the Matter of the Application of Socket Telecom, LLC, for a Certificate of Service Authority to Provide Basic Local Telecommunications Service in Portions of the State of Missouri and for Competitive Classification*, Case No. TA-2001-671 (Order Granting Certificate to Provide Basic Local Telecommunications Services, Approving Tariff, and Closing Case effective August 31, 2001).

classified as competitive.² Socket is in good standing in all respects with all applicable Commission rules and requirements. In this Application, Socket seeks the additional authority to provide facilities-based and resold basic local exchange telecommunications service in the exchanges comprising all other service territories within the State of Missouri, following all exchange boundaries of incumbent local exchange telecommunications companies. Additionally, pursuant to Sections 392.361 and 392.420 RSMo, Socket requests that its basic local service as offered in this additional territory be classified as competitive, that the company and its services remain classified as competitive, and that certain statutes and regulations be waived.

In support of its application Socket states to the Commission as follows:

I. QUALIFICATIONS

1. Name and Address: Applicant's legal name is Socket Telecom, LLC. Socket maintains its regulatory office at:

2703 Clark Avenue
Columbia, Missouri 6520
Telephone – 573-777-1991 (ext. 551)
Facsimile – 573-441-1050
Email: rmkohly@socketelecom.com.

2. Contact Persons: All inquiries, correspondence, communications, pleadings, notices, orders and decisions relating to this Application should be directed to:

Carl J. Lumley
Curtis, Heinz, Garrett & O'Keefe, PC
130 S. Bemiston, Suite 200
Clayton, Missouri 63105
Telephone: (314) 725-8788
Facsimile: (314) 725-8789
Email: clumley@lawfirmemail.com

²Id.

3. Corporate Liaison: Questions concerning the ongoing operations of Socket should be addressed to:

R. Matthew Kohly
Socket Telecom, LLC
2703 Clark Avenue
Columbia, Missouri 65202
Telephone – 573-777-1991 (ext. 551)
Facsimile – 573-441-1050
Email: rmkohly@socketelecom.com.

4. Corporate Structure: Socket Telecom, LLC is a limited liability company organized and existing under Missouri law. A Certificate of Authority from the Missouri Secretary of State is attached hereto as *Exhibit 1*.

5. Managerial and Technical Qualifications: Socket remains managerially and technically qualified to provide basic local telecommunications services in the state of Missouri, as found in Case No. TA-2001-671. It has been successfully providing basic local service since it commenced operations in 2001.

6. Financial Qualifications: Socket remains financially qualified to provide telecommunications services in the state of Missouri, as found in Case No. TA-2001-671. It has been successfully providing basic local service since it commenced operations in 2001. Based on these prior determinations and operations, Socket seeks a waiver of the requirement that financial data be submitted under 4 CSR 240-3.510(1)(D).

II. PROPOSED SERVICES

7. Description of Proposed Services: Socket is currently certificated to provide basic local exchange telecommunications service within the service territory of AT&T, Embarq, CenturyTel and Spectra.

Socket requests that the Commission take notice of its local exchange service tariffs, which are incorporated herein by reference. Socket seeks additional authorization to provide basic local service in all other exchanges throughout the State of Missouri. Socket's services meet applicable minimum Commission standards. Socket will continue to offer basic local service as a separate and distinct service.

8. Tariff Requirement: Socket exercises its option and requests a temporary waiver of 4 CSR 240-3.510(1)(C), which requires that an application for a certificate of service authority to provide basic local exchange service shall include a proposed tariff with a 45-day effective date, but allows applicant the option of postponing tariff submittal. Socket will file tariffs in a manner consistent with the Commission's practices in similar cases before providing basic local service in the expanded service area.

III. CLASSIFICATION AS A COMPETITIVE TELECOMMUNICATIONS COMPANY AND WAIVER OF CERTAIN REGULATORY REQUIREMENTS

9. Classification of Services as Competitive: Socket seeks continued classification as a competitive company, including classification of its basic local exchange telecommunications service in the new service area as competitive, pursuant to Section 392.361 and Section 392.420 RSMo and 4 CSR 240-3.510(1)(A). Socket also seeks the reduced regulation that accompanies such classification. In the Commission's previous orders granting Socket certificates of service authority, the Commission classified Socket and its services as competitive.

10. Waiver of Rules: Socket will comply with all applicable Commission rules, except those that are waived, in providing basic local service in its existing and new service area. Specifically, Socket will file and maintain tariffs and meet applicable minimum standards. Socket will make reports to and other informational filings with the Commission as required.

Pursuant to Section 392.420 R.S.Mo. (see also Section 392.245.5(8)), which provides good cause for this request, Socket requests that the following statutes and regulations be waived for Socket:

<u>Statutes</u>	<u>Missouri Public Service Commission Rules</u>
392.210.2	4 CSR 240-3.550(4), (5)(A) and (5)(C)
392.240.1	4 CSR 240-10.020
392.270	4 CSR 240-30.040
392.280	4 CSR 240-32.060
392.290	4 CSR 240-32.070
392.300	4 CSR 240-32.080
392.310	4 CSR 240-33.040 (except subsection (4))
392.320	4 CSR 240-33.045
392.330	4 CSR 240-33.080(1)
392.340	4 CSR 240-33.130(1), (4) and (5)

No public utility will be affected by the requested waiver of these statutes and regulations.

11. Switched Access Rates: Socket acknowledges that in accordance with Section 392.361.6, Socket exchange access rates will not exceed the corresponding exchange access rates in effect for the incumbent LECs in the respective service areas. Additionally, pursuant to the Commission's Report and Order in Case No. TO-99-596, Socket agrees that if such incumbents decrease their current originating and/or terminating access service rates, Socket shall file an appropriate tariff amendment as necessary to reduce its corresponding originating and/or terminating access rates within thirty (30) days thereof in order to maintain aforesaid cap on exchange access rates.

12. Pending Actions: Socket does not have any pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or customer rates, which action, judgment, or decision has occurred within three years of the date of this Application.

13. Compliance with Orders and Regulations: Socket will comply with all applicable orders and regulations of the Commission.

14. Annual Reports and Fees: Socket does not have any overdue annual reports or assessment fees.

IV. PUBLIC INTEREST CONSIDERATIONS

15. The Commission granted Socket its current certificates of service authority, based in part upon finding that such action was in the public interest. The grant of this Application will also further the public interest by increasing equitable access for Missourians, regardless of where they live or their income, to affordable telecommunications services. Socket's proposed services will create and enhance competition and expand customer service options consistent with the legislative goals set forth in the Federal Telecommunications Act of 1996 and Chapter 392 RSMo. In particular, the public will benefit directly through the use of the competitive basic local exchange service to be offered by Socket. The public will also benefit indirectly because the competitive presence of Socket will increase the incentives for the incumbent and others to operate more efficiently, offer more innovative services, reduce prices, and improve the quality and coverage of services.

WHEREFORE, Socket Telecom, LLC respectfully requests that the Commission grant it the requested expansion of its certificate of service authority to include provision of basic local telecommunications service in all exchanges in the State of Missouri, classify its basic local service in the new territory as competitive, continue to classify the company as competitive, grant waiver of the identified statutes and regulations, and grant such other and further relief to Socket as the Commission deems meet and proper.

Respectfully submitted,

/s/ Carl J. Lumley

Carl J. Lumley, #32869
Curtis, Heinz, Garrett & O'Keefe, PC
130 S. Bemiston, Suite 200
Clayton, Missouri 63105
Telephone: (314) 725-8788
Facsimile: (314) 725-8789
Email: clumley@lawfirmemail.com

Attorneys for Socket Telecom, LLC

VERIFICATION

STATE OF MISSOURI)
)
COUNTY OF BOONE) SS.

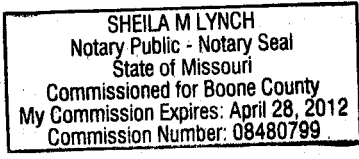
I, R. Matthew Kohly, being first duly sworn, depose and state that I am over the age of 21 years sound of mind, and the Director - Telecommunications Carrier and Government Relations of Socket Telecom, LLC ("Socket"), the Applicant in the subject proceeding, and that I am authorized to make this Verification on behalf of Socket Telecom, LLC; that I have read the foregoing Application and know the contents thereof; and that the same is true and correct to the best of my knowledge, information, and belief. Further, I verify that the Applicant will comply with all other applicable rules and regulations. I also verify that Carl J. Lumley, and Curtis, Heinz, Garrett & O'Keefe, P.C., 130 S. Bemiston, Suite 200, St. Louis, Missouri 63105, are authorized to sign all pleadings and documents necessary to receive the approval of the Missouri Public Service Commission of the foregoing Application, and to represent Socket Telecom, LLC in this proceeding.

R. Matthew Kohly
R. Matthew Kohly
Director - Telecommunications Carrier and
Government Relations

Subscribed and sworn to before this 2nd day of July, 2009.

Sheila M Lynch
Notary Public

My Commission Expires:



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was served upon the parties listed below on this 6th day of July, 2009, by either e-mail or U.S. Mail, postage prepaid.

/s/ Carl J. Lumley

Carl J. Lumley

Office of the Public Counsel
PO Box 2230
Jefferson City, Missouri 65102
opcservice@ded.mo.gov

Office of General Counsel
Missouri Public Service Commission
PO Box 360
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gencounsel@psc.mo.gov

STATE OF MISSOURI



Robin Carnahan
Secretary of State

CORPORATION DIVISION
CERTIFICATE OF GOOD STANDING

I, ROBIN CARNAHAN, Secretary of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

SOCKET TELECOM, LLC
LC0050887

was created under the laws of this State on the 11th day of May, 2001, 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 July, 2009

A handwritten signature in cursive script that reads "Robin Carnahan".

Secretary of State



Certification Number: 11900963-1 Reference:
Verify this certificate online at <http://www.sos.mo.gov/businessentity/verification>