

**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

**STAFF RECOMMENDATION**

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

1. In the attached memorandum, labeled Appendix A, Staff recommends that the Missouri Public Service Commission (Commission) grant Socket Telecom, LLC. (Applicant) a certificate of service authority to expand its certificate of basic local authority.

2. Staff recommends that the Commission classify Applicant and its services as competitive. The commission may classify a telecommunications provider or its serves as competitive if the Commission determines it is “subject to sufficient competition to justify a lesser degree of regulation.” Section 392.361.2 RSMo (2000).<sup>1</sup> A majority of services provided by a competitive company must be classified as competitive. Section 362.361.3 RSMo (2000)<sup>2</sup>

3. Staff recommends that the Commission approve 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. Sections 392.185, 392.361.5<sup>3</sup> and 392.420.<sup>4</sup>

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<sup>1</sup> This Statute was amended by H.B. 1779, effective August 28, 2008.

<sup>2</sup> Id.

<sup>3</sup> Id.

<sup>4</sup> Id.

4. Staff recommends that the approval of the certificate to provide basic local telecommunications service be based on the following two conditions listed in Appendix A:

- a. 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.
- b. 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.

5. Applicant did not submit a proposed tariff with its application. Commission rule 4 CSR 240-3.510(1)(c) states that before service can be provided, a tariff must be filed with the Commission and approved.

6. The Company is delinquent in its MoUSF monthly payments for April, May and June, 2009. The applicant should be instructed to make the appropriate filing in this case after it has corrected the delinquency.

WHEREFORE, Staff recommends 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. Staff recommends that the Commission grant the waivers listed in the Notice of Application.

Respectfully submitted,

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

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**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 23rd 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 7-21-09  
Utility Operations Division/Date

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

Date: July 21, 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:

- 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: Application to Expand Certificate of Basic Local Service Authority

- 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.

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

Unpaid MoUSF

