

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

In the matter of the Application of Fidelity)	
Communications Services I, Inc. For)	
Expanded Authority to Provide Local)	Case No. TA-2009-0069
Telecommunications Service)	

STAFF RECOMMENDATION

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

1. In the attached Memorandum, labeled Attachment A, Staff recommends that the Missouri Public Service Commission (Commission) grant the request of Fidelity Communications Services, Inc. (Applicant) to expands its certificate of service authority to provide basic local exchange telecommunications service to include the service areas of Southwestern Bell Telephone, L.P. d/b/a AT&T Missouri (AT&T) and Windstream Communications, Inc (Windstream).

2. Applicant was originally granted a certificate of service authority in Case No. TA-2009-191. Applicant has previously been classified as a competitive company. In Attachment A, Staff recommends that Applicant continue to be classified as a competitive company.

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 and 392.420.

4. Staff recommends that the approval of the requested expansion of Applicant's certificate to provide basic local telecommunications service be based on the conditions listed in Attachment A.

5. Staff has no objection to Applicant's proposed tariff taking effect on October 9, 2008.

WHEREFORE, Staff recommends that the Commission grant Applicant's request for an expansion of its certificate of service authority to provide basic local telecommunications services to include the service areas of At&T and Winstream and to classify Applicant and its services as competitive. Staff recommends that the Commission grant the waivers listed in the Notice of Application. Staff recommends that the Commission approve Applicant's tariff effective October 9, 2008 or at its earliest convenience.

Respectfully submitted,

/s/ Jennifer Heintz_____

Jennifer Heintz

Senior Counsel

Missouri Bar No. 57128

Attorney for the Staff of the
Missouri Public Service Commission

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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 22nd day of September 2008.

/s/ Jennifer Heintz_____

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No: TA-2009-0069 File No: JC-2009-0180
Applicant: Fidelity Communications Services I, Inc.

From: Sara Buyak
Telecommunications Department
William Voight 9-22-08 Willam Haas 9-22-08
Utility Operations Division/Date General Counsel's Office/Date

Subject: Staff Recommendation for Approval to Expand Service Area

Date: 9-22-08
Filing Deadline: 9-30-08 (by 4:00 pm 7 working days prior to proposed effective date)

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 Embark
- ☐ All of CenturyTel
- ☐ All of Spectra
- ☒ Other Windstream Communications, Inc. (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 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 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 PSC MO No. 1 (indicate PSC MO numbers)
Effective Date: October 9, 2008

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:

Fidelity submitted the proposed tariff sheets to include Dixon, Republic, and Clever exchanges.

☒ 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. ☐ Unpaid MoUSF
☐ Unpaid Relay Missouri Amount owed:)

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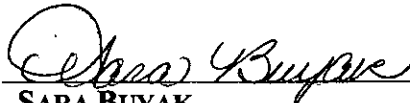
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Case No. TA-2009-0069

AFFIDAVIT OF Sara Buyak

STATE OF MISSOURI)
) ss:
COUNTY OF COLE)

Sara Buyak, employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that she has participated in preparing the accompanying staff recommendation, and that the facts therein are true and correct to the best of her knowledge and belief.


SARA BUYAK

Subscribed and affirmed before me this 22nd day of September, 2008




NOTARY PUBLIC

CARLA K. SCHNIEDERS
Notary Public - Notary Seal
State of Missouri
Commissioned for Cole County
My Commission Expires: August 25, 2012
Commission Number: 08533187