

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

Application of Startec Global Operating Company for )  
Approval of the Merger with Startec Global Licensing )  
Company and the Resulting Transfer of Missouri )  
Customer Assets; Waiver of Commission Rule )  
4 CSR 240-33.150; and to Cancel the Certificate of ) **Case No. TM-2007-0367**  
Service Authority of Startec Global Licensing )  
Company to Provide Telecommunications Services )  
in Missouri )

**ORDER DIRECTING FILING**

Issue Date: April 3, 2007

Effective Date: April 3, 2007

In its verified application, which was filed on March 29, 2007, Startec Global Operating Company (“Operating Company”) seeks the Commission’s *post hoc* approval of its recent merger with Startec Global Licensing Company (“Licensing Company”), as well as of the resulting transfer of Licensing Company’s Missouri long distance customer base and associated customer account information to Operating Company.

Operating Company also requests that the Commission waive its anti-slamming rule (4 CSR 240-33.150), under which any change in a customer’s telecommunications carrier resulting from a “merger or consolidation or the sale, assignment, lease, or transfer of [a previous carrier’s] assets *approved by the commission*”<sup>1</sup> is exempted from the rule’s authorization and verification requirements. Operating Company further asks for the cancellation of Licensing Company’s existing certificate of service authority to provide

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<sup>1</sup> 4 CSR 240-33.150(4)(A) (emphasis added).

interexchange telecommunications services in Missouri, which was granted effective February 13, 1999 in Case No. TA-99-226.<sup>2</sup>

Finally, Operating Company has filed a Motion for Expedited Treatment requesting priority treatment and consideration of its application under Commission Rule 4 CSR 240-2.080(16), with an effective date of the resulting order no later than May 16, 2007.

This case comes to the Commission in an unusual procedural posture, because Operating Company seeks Commission approval of a merger which was actually consummated three months ago. Moreover, as a result of that merger, Licensing Company ceased to exist and Operating Company is evidently now providing telecommunications services to Missouri customers without a certificate of service authority or a waiver of the Commission's anti-slamming rules. As stated in the application:

On December 27, 2006, [Licensing Company], . . . which held a Certificate of Service Authority granted by the Commission, was merged with and into [Operating Company], with [Operating Company] surviving. As a result of the merger, [Operating Company] became the operating telecommunications service provider in Missouri ([Licensing Company] ceased to exist following the merger). All the telecommunications assets of [Licensing Company] were transferred to [Operating Company] as a result of the merger. Upon completion of this *pro forma* corporate restructuring, [Operating Company] also assumed the customers and operations of [Licensing Company]. . . .

On advice of its outside consultants, [Operating Company] characterized this transaction as a change in carrier name. [Operating Company] now understand[s] that Commission approval was required for the merger between [Licensing Company] and [Operating Company], the transfer of Customer Assets, waiver of the Commission's anti-slamming rules, and relinquishment of [Licensing Company's] Certification. Therefore, [Operating Company] has endeavored to file this Application as soon as possible after learning that Commission authorization is required for [Operating Company] to provide telecommunications services in Missouri. [Operating Company]

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<sup>2</sup> In a separate application (Case No. TA-2007-0366), Operating Company has requested a certificate of service authority to provide intrastate interexchange telecommunications services, competitive classification, and approval of its adoption of Licensing Company's approved tariffs.

regrets not realizing sooner that Missouri PSC approval was required for this transaction, and apologizes to the Commission for its oversight.<sup>3</sup>

The Commission will order Staff to file a pleading informing the Commission when it will be able to file its recommendation in this matter. This pleading shall also address Operating Company's request for waiver of Commission Rule 4 CSR 240-33.150.

**IT IS ORDERED THAT:**

1. The Staff of the Commission shall, by no later than April 17, 2007, file a pleading informing the Commission when it will be able to file its recommendation in this matter. This pleading shall also address Startec Global Operating Company's request for waiver of Commission Rule 4 CSR 240-33.150.
2. Any party who wishes to oppose Startec Global Operating Company's March 29, 2007 Motion for Expedited Treatment shall do so by no later than April 5, 2007.
3. This order shall become effective on April 3, 2007.

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

( S E A L )

Benjamin H. Lane, Regulatory  
Law Judge, by delegation of authority  
under Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 3rd day of April, 2007.

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<sup>3</sup> Elsewhere in its application, Operating Company advises that the merger transaction "resulted in a change in the entity authorized to provide telecommunications service in Missouri," and that Licensing Company "no longer provides telecommunications services to any consumers within Missouri."