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May 22, 2003

The Honorable Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102-0360

FILED⁴

MAY 22 2003

Missouri Public
Service Commission

Re: Comm South Companies, Inc.

Dear Judge Roberts:

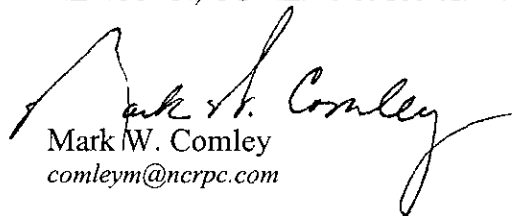
Enclosed for filing on behalf of Comm South Companies, inc. please find an Application for a Certificate of Service Authority to Provide Competitive Interexchange Telecommunications Services. Attached to the application as Exhibit B is a proposed tariff containing a 45-day effective date.

Please call me if there are any questions concerning this filing. Thank you very much.

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:


Mark W. Comley
comleym@ncrpc.com

MWC:ab

Enclosure

cc: Office of Public Counsel
General Counsel's Office
Sheri Pringle

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED⁴

MAY 22 2003

**In the matter of the Application of
Comm South Companies, Inc. d/b/a
Missouri Comm South, Inc. for a
Certificate of Service Authority to
Provide Competitive Interexchange
Telecommunications Services**

Missouri Public
Service Commission

Case No. _____

APPLICATION

Comm South Companies, Inc. d/b/a Missouri Comm South, Inc. ("Applicant"), a Texas corporation, pursuant to Sections 392.410, 392.420, 392.430, and 392.440 RSMO1994¹, and 4 CSR 240-2.060, hereby files this verified application respectfully requesting that the Missouri Public Service Commission ("Commission") issue an order that:

- (a) grants Applicant a Certificate of Service Authority to provide interexchange telecommunications services pursuant to Chapter 392 of the Missouri Revised Statutes;
- (b) grants competitive status to Applicant pursuant to Sections 392.361 and 392.410; and
- (c) waives certain Commission rules and statutory provisions pursuant to Section 392.420.

Applicant believes that its proposed services will be subject to sufficient competition to justify a lesser degree of regulation.

Applicant currently holds a Certificate of Authority to operate as a reseller of basic local exchange telecommunications services in Missouri. See Case No. TA-97-203 (10/21/97).

In support of its request, Applicant states:

1. The legal name and principal office or place of business of Applicant are:

¹ All statutory references are to Revised Statutes of Missouri 2000, unless otherwise noted.

Comm South Companies, Inc.
6830 Walling Lane
Dallas, Texas 75231
Telephone: (214) 355-7005
Facsimile: (214) 355-7259

A copy of Applicant's Certificate of Good Standing from the Missouri Secretary of State, and its registration of fictitious name with the same office, are attached hereto as Exhibit A. Applicant's sole shareholder is Arcomm Holding Co. ("Arcomm"). Arcomm is a Delaware corporation with its principal business office at 8401 Colesville Road, Suite 750, Silver Spring, MD 20910.

2. Correspondence or communications pertaining to this Application should be addressed to:

Mark W. Comley
NEWMAN, COMLEY & RUTH P.C.
601 Monroe Street, Suite 301
P.O. Box 537
Jefferson City, MO 65102-0537
Telephone: 573.634.2266
Fax: 573.636.3306
comleym@ncrpc.com

AND

Sheri Pringle
Director – Regulatory Affairs
MISSOURI COMM SOUTH, INC.
6830 Walling Lane
Dallas, Texas 76231
Telephone: 214.355.7005
Facsimile: 214.355.7259
springle@commsouth.net

Following certification, the contact person for questions concerning the ongoing operations of Applicant will be the same as stated above.

3. Applicant proposes to provide intrastate, interexchange telecommunications services on a prepaid basis to prospective customers throughout the State of Missouri. A complete

description of Applicant's services and rates is set forth in its Missouri Interexchange Telecommunications Tariff, attached hereto as Exhibit B. As an initial matter, Applicant will offer such services by reselling services obtained from existing certificated telecommunications providers. Service will be available 24 hours a day, seven days a week, where facilities permit. At some point in the future, Applicant may purchase a switch that will be located near its headquarters in Dallas, Texas, from which its customer long distance traffic may be back-hauled. However, Applicant will not own, control, operate or manage any telecommunications facilities in the State of Missouri.

4. Applicant possesses the managerial and technical ability to provide interexchange telecommunications services in Missouri. Applicant's operations will be directed by a team of professional, technical, and operations personnel, many of whom have significant experience in providing telecommunications service. Applicant provides as Exhibit C brief biographies of the key management and technical personnel of Applicant.

5. Applicant is authorized by registration, certification or deregulation to provide interexchange telecommunications services in the state of Alabama, Arizona, Arkansas, California, Colorado, Delaware, the District of Columbia, Florida, Georgia, Hawaii, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

6. In addition to Missouri, Applicant is authorized by registration, certification or deregulation to provide facilities-based or resold local telecommunications service in the following states: Alabama, Arizona, Arkansas, California, Colorado, District of Columbia, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine,

Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Puerto Rico, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. No state has denied Applicant authority to operate therein.

7. Applicant is financially qualified to provide interexchange telecommunications services in the State of Missouri. As a reseller, Applicant will not incur significant expense to serve the Missouri market. Moreover, Applicant has access to the financing and capital necessary to conduct its proposed telecommunications operations.

8. Applicant's proposed interexchange tariff is being filed simultaneously with this Application and is attached hereto as Exhibit B. The proposed tariff contains the rules and regulations applicable to its customers, a description of the services offered, and a list of the rates associated with such services. The tariff has a forty-five (45) day effective date, as required by 4 CSR 240-2.060(6)(C).

9. Applicant requests classification as a competitive telecommunications company operating within the state of Missouri pursuant to Sections 392.361 and 392.420. Applicant further requests classification of services described in its Tariff as competitive services pursuant to Section 392.361, with accompanying reduced regulation. Applicant believes that its proposed services will be subject to sufficient competition to justify a lesser degree of regulation. Granting of this application will allow greater price and service options for telephone users.

10. Applicant also requests, pursuant to Section 392.420, that the Commission waive the application of the following rules and statutory provisions as they relate to the regulation of

Applicant. The following list identifies Commission rules and statutes previously waived by the Missouri Commission for other competitive telecommunications companies:

STATUTES

392.210.2	-	Uniform System of Accounts
392.240(1)	-	Just & Reasonable Rates
392.270	-	Ascertain Property Values
392.280	-	Depreciation Accounts
392.290	-	Issuance of Securities
392.300.2	-	Acquisition of Stock
392.310	-	Issuance of stock and debt
392.320	-	Stock dividend payment
392.330	-	Issuance of securities, debts & notes
392.340	-	Reorganizations

REGULATIONS

4 CSR 240-10.020	-	Depreciation fund income
4 CSR 240-30.010 (2)(C)	-	Rate schedules should be posted at central office
4 CSR 240-30.040	-	Uniform system of accounts
4 CSR 240-33.030	-	Inform customers of lowest price

The rules and statutory provisions referenced above have been waived for other interexchange carriers in prior cases. These rules or statutory provisions are principally designed to apply to noncompetitive telecommunications carriers. It would be inconsistent with the goal and purpose of Section 386.530 to apply the above-referenced statutes and rules to a competitive telecommunications carrier such as Applicant.

11. Pursuant to Section 386.570, Applicant will comply with all applicable Commission rules except those which are specifically waived by the Commission pursuant to a request filed by Applicant. Applicant will not unjustly discriminate among its customers; such discrimination is prohibited pursuant to Section 392.200.

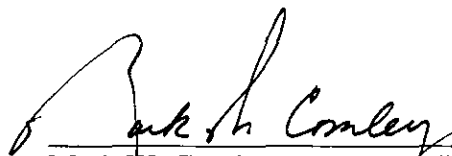
12. Applicant does not have any pending actions or unsatisfied judgments or decisions against it from any state or federal agency or court involving customer service or rates, which

action, judgment or decision has occurred within three (3) years of this application, except for *Office of Public Counsel v. Comm South Companies, Inc. d/b/a Missouri Comm South, Inc.*, PSC Case No. TC-2001-516, which has been dismissed.

13. Applicant does not have any overdue annual report or assessment fees.

WHEREFORE, Applicant respectfully requests that the Missouri Public Service Commission grant it a certificate of service authority to provide interexchange telecommunications services within the State of Missouri. Applicant also requests classification as a competitive telecommunications company and its proposed services as competitive services. In addition, Applicant requests a waiver of the above-referenced rules and statutory provisions. As demonstrated in this application, Missouri Comm South, Inc. is legally, financially, and technical qualified to provide services in Missouri. In light of the foregoing, Applicant submits that the public interest would be served by the expeditious grant of a Certificate of Service Authority to provide such services.

Respectfully submitted,




Mark W. Comley #28847
Newman, Comley & Ruth P.C.
601 Monroe Street, Suite 301
P.O. Box 537
Jefferson City, MO 65102-0537
Telephone: (573) 634-2266
Facsimile: (573) 636-3306

Attorneys for Applicant
Comm South Companies, Inc.,
d/b/a Missouri Comm South, Inc.

Certificate of Service

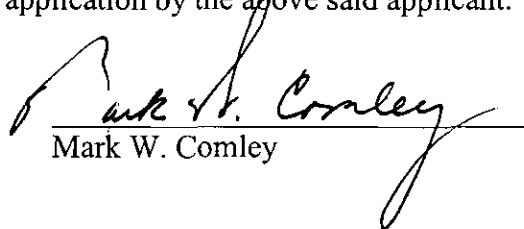
I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or hand delivered, to Office of Public Counsel, P.O. Box 7800, Jefferson City, MO 65102, and General Counsel's Office, P.O. Box 360, Jefferson City, MO 65102, on this 22nd day of May, 2003.



ATTORNEY VERIFICATION

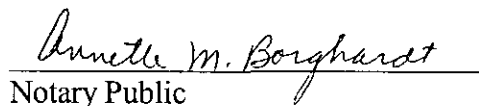
STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

I, Mark W. Comley, being first duly sworn, do hereby certify, depose and state that I am the attorney for Comm South Companies, Inc., d/b/a Missouri Comm South, Inc., applicant in this proceeding; that I have read the above and foregoing Application and the allegations therein contained are true and correct to the best of my knowledge, information and belief; and I further state that I am authorized to verify the foregoing application by the above said applicant.


Mark W. Comley

Subscribed and sworn to before me, a Notary Public, this 22nd day of May, 2003.

My Commission expires:


Notary Public

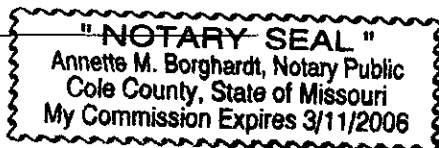


EXHIBIT A

**Certificate of Good Standing and
Registration of Fictitious Name**

No. F00428314

STATE OF MISSOURI



Matt Blunt
Secretary of State

CORPORATION DIVISION

CERTIFICATE OF CORPORATE GOOD STANDING - FOREIGN CORPORATION

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


COMM SOUTH COMPANIES, INC.

using in Missouri the name

COMM SOUTH COMPANIES, INC.

a TEXAS corporation filed its Evidence of Incorporation
with this State on the 28th day of JUNE, 1996, 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
21st day of MAY, 2003.


Secretary of State





State of Missouri

No. X **313094**

Rebecca McDowell Cook, Secretary of State

Corporation Division

Registration of Fictitious Name

(Submit in duplicate with a filing fee of \$7)

This information is for the use of the public and gives no protection to the name. There is no provision in this Chapter to keep another company or corporation from adopting and using the same name. (RSMo 417)

We, the undersigned, are doing business under the following name, and at the following address:

Name to be registered: Missouri Comm South, Inc.
Missouri Business Address: 101 E. Randol Mill Rd.; Suite 108, Randol Center
(P.O. Boxes not accepted)
City, State and Zip Code: Arlington, TX 76011

The parties having an interest in the business, and the percentage they own are (if a corporation is owner, indicate corporation name and percentage owned). If all parties are jointly and severally liable, percentage of ownership need not be listed:

Name of Owners, Individual or Corporate	Street and Number	City	State and Zip Code	If listed, Percentage of ownership must equal 100%
Onyx Distributing Company, Inc. F428314	101 E. Randol Mill Rd. Suite 108, Randol Center	Arlington	TX 76011	100%

(Must be typed or printed)

Return to: Secretary of State
Corporation Division
P.O. Box 778
Jefferson City, Mo. 65102

(Over)

FILED

NOV 13, 1996

Rebecca McDowell Cook
SECRETARY OF STATE

The undersigned, being all the parties owning interest in the above company, being duly sworn, upon their oaths each did say that the statements and matters set forth herein are true.

Individual
Owners
Sign Here

{	X	X
	X	X
	X	X

313094

The undersigned corporation has caused this application to be executed in its name by its President or Vice-President and its Secretary or Assistant Secretary, this 5th day of November, 19 96.

If
Corporation
is
Owner,
Corporate
Officers
Execute
Here

ONYX DISTRIBUTING COMPANY, INC.

(Exact Corporate Title)

By

Toby Wilson

Its President or Vice-President

By

Toby Wilson

Its Secretary or Assistant Secretary

(Corporate Seal)

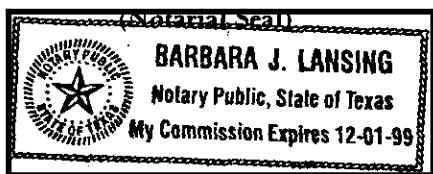
If no seal, state "none".

TEXAS
State of Missouri

County of TARRANT } ss

I, Barbara Lansing, A Notary Public, do hereby certify that on the 5th day of November, 19 96, personally appeared before me Toby Wilson, and being first duly sworn by me, acknowledged that _____ he signed as his own free act and deed the foregoing document in the capacity therein set forth and declared that the statements therein contained are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year before written.



Barbara J. Lansing
Notary Public

My commission expires

12/1/99



State of Missouri
Rebecca McDowell Cook, Secretary of State
P.O. Box 778, Jefferson City, Mo. 65102
Corporation Division

Application for an Amended Certificate of
Authority for a Foreign Corporation

(Submit in duplicate with filing fee of \$25.00)

The below corporation, relating to amending its certificate of authority of Foreign Corporation, does hereby state:

(1) Its name is: ONYX DISTRIBUTING, INC.
and is incorporated in the State of: Texas ; and it was qualified
in the State of Missouri on November 13, 1996
(month/day/year)

(2) By appropriate corporate action on: December 9, 1996, the corporation:
(month/day/year)

(1) Changed its corporate name to: COMM SOUTH COMPANIES, INC.

Name it will use in Missouri if new name not available: _____

(2) Changed its period of duration to: No Change

(3) Changed the state or country of its incorporation to: _____

(3) There is attached hereto a Certificate of the Secretary of State of the State of Texas
relating to the amendment(s), set forth in item 2 above and showing that the Corporation is in existence
and in good standing in said State.

(4) The effective date of this document is the date it is filed by the Secretary of State of Missouri, unless you
indicate a future date, as follows: N/A
(Date may not be more than 90 days after the filing date in this office)

In affirmation thereon, the facts stated above are true.

James Graham
(Authorized signature of officer or chairman of the board)

President
(Title)

6/17/99
(Date of signature)

Attached is a current certificate attesting to the change, duly authenticated by the secretary of state
or other official having custody of corporate records in the state or country of incorporation.

EXHIBIT C

Biographies of Key Management and Technical Personnel

Key Management for Comm South

John McClure – Chief Executive Officer & President: Mr. McClure is currently President and Chief Operating Officer for Comm South Companies, Inc.. He has had over 25 years of executive management experience in the Manufacturing and High Tech industries holding such positions with Electronic Data Systems, Rand McNally & Company, Engenius and Wintegrity, Inc. His accomplishments have included the Chief Operating Officer role for such new products as GM OnStar, a wireless telecommunications automotive product. He has expertise in finance, accounting, marketing and business operations. Mr. McClure majored in accounting and finance at the University of Iowa. He currently serves on the executive board of directors of international non-profit companies.

Rick Brown - Chief Technical Officer: Mr. Brown has over 24 years experience in the telecommunications industry, including local, data and broadband services. He currently serves as Chief Technology Officer for Comm South and is responsible for all business development, new products and services, and emerging technologies. Mr. Brown was employed by Sprint for 19 years and has held several senior level positions with TCG, e.spire and BroadbandNOW. Mr. Brown currently serves on the Board of Directors of the National ALEC Association/Pre-Paid Companies of America (NALA/PCA), past Executive Steering Committee Member - SWB CLEC User Forum, and recently elected into the Who's Who of International Business Leaders.

Barry A. Amrich – Controller: Mr. Amrich has over 25 years of financial management experience (2 years of which are in the telecommunications industry), with the last fifteen years in senior level finance and accounting positions. Mr. Amrich's career has included all of the traditional areas of accounting and finance, as well as experience in financing foreign transactions such as, Euro-Dollar syndications and foreign government secured export sales to the U.S. His most recent experience was that of Controller and CFO for a research and development company holding proprietary patents in centrifuge technology, and as a senior business consultant for a national consulting firm. Mr. Amrich holds a degree in business and accounting from the University of Baltimore and passed the Texas CPA exam in 1980.

Marty Oakes – Senior Director of Operations: Mr. Oakes has over 4 years experience in the prepaid local telecommunications industry with responsibilities ranging from Director of Regulatory Affairs, Assistant Controller and Director of Operations. He currently serves as Sr. Director of Operations for Comm South Companies with responsibilities ranging from day to day operations of provisioning and credit departments, director of information systems and facilities management, and development of new business processes. Mr. Oakes has experience in entrepreneurial development of several businesses with responsibilities from securing funding, financial management, operational management and business development. Mr. Oakes is currently a partner in several businesses ranging from oil and gas exploration to retail and business services. Mr. Oakes holds a BBA in Business Management from Texas Christian University.

Sheri Pringle – Director, Regulatory Affairs/Carrier Relations:

Mrs. Pringle has over 18 years experience in the telecommunications industry, including local communications and broadband services. She currently serves as Director of Regulatory Affairs/Carrier Relations for Comm South Companies and is responsible for all legal, regulatory, and compliance issues as well as carrier relations/negotiations. Mrs. Pringle was with Sprint Telephone Company for 16 years in various positions and departments including customer service, engineering/construction, and regulatory affairs. Mrs. Pringle also served as Senior Manager of Provisioning for BroadbandNOW, Inc.