

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

In the Matter of the Application of Teleport)	
Communications America, LLC To)	
Expand its Certificate of Basic Local Exchange)	Case No.
Telecommunications Service Authority)	

**TELEPORT COMMUNICATIONS AMERICA, LLC'S
APPLICATION FOR EXPANSION
OF BASIC LOCAL EXCHANGE
TELECOMMUNICATIONS SERVICE AUTHORITY**

Teleport Communications America, LLC ("Teleport") respectfully files this Application to expand its certificate of basic local exchange telecommunications service authority to additional exchanges and to classify Teleport and its services in those exchanges as competitive. Teleport also requests, to the extent it is necessary to do so, that the statutory and rule waivers it currently holds be extended to Teleport's offering of service in these additional exchanges. In support thereof, Teleport states:

A. Description of the Applicant

1. Teleport is a Delaware limited liability company with headquarters at One AT&T Way, Bedminster, New Jersey 07921. Its holding company parent is AT&T Inc. Teleport is authorized to transact business in Missouri.¹

2. On August 28, 2012, the Missouri Public Service Commission ("Commission") granted Teleport a certificate of service authority to provide basic local telecommunications services in the exchanges previously served by TCG Kansas City, Inc. and TCG St. Louis, as well as certificates of service authority to provide nonswitched local exchange and interexchange

¹ A copy of Teleport's Certificate of Registration as a Foreign Limited Liability Company, issued on June 7, 2012 by the Missouri Secretary of State, was filed with the Commission in Case No. TA-2013-0040, on August 1, 2012. Teleport does not presently transact business in Missouri under any fictitious name.

telecommunications services in the state of Missouri.² Teleport now seeks the expansion of its certificate of service authority to provide basic local telecommunications services to the additional exchanges listed on Attachment 1, which is incorporated by reference herein as if fully restated.

3. In its Order, the Commission likewise granted Teleport competitive classification.³ The Commission also waived the application to Teleport of its standard list of statutes and Commission rules developed for competitive local exchange and interexchange carriers.⁴

4. Teleport may be contacted at the regular and electronic mail addresses and telephone and facsimile numbers of its attorneys, as set out under the signature block of this Application. All correspondence, pleadings, orders, decisions, and communications regarding this proceeding should be sent to:

Leo J. Bub
Robert J. Gryzmala
Attorneys for TCG St. Louis
One AT&T Center, Suite 3556
St. Louis, Missouri 63101

B. Qualifications

5. Teleport remains managerially, technically and financially qualified to provide basic local telecommunication services in the state of Missouri.⁵ It (or its predecessors) have been successfully providing basic local service in Missouri since approximately 1996.

² See, Order Granting Certificates to Provide Basic Local, Nonswitched Local and Interexchange Telecommunications Services, Case No. TA-2013-0040 ("Order"), at 5. TCG Kansas City, Inc. and TCG St. Louis were merged into Teleport effective December 31, 2012, and these companies' certificates of service authority were canceled as of that date. See, Order, at 5-6.

³ *Id.*, at 6.

⁴ *Id.*, at 3, 7-8.

⁵ In the Matter of the Combined Application of Teleport Communications America, LLC for a Certificate of Service Authority to Provide Basic Local Exchange, Non-Switched Local Exchange and Intrastate Interexchange Telecommunications Services within the Areas Served by TCG Kansas City, Inc. and TCG St. Louis and of TCG Kansas City, Inc. and TCG St. Louis for Cancellation of Certificates of Service Authority, File No. TA-2013-0040, Combined Application, filed August 1, 2012 ("Combined Application"), at 8.

C. Description of Services

6. As noted, Teleport is currently authorized to, and does, provide basic local exchange telecommunications services in certain Missouri exchanges. When it obtained this authority, Teleport provided notice to the Commission, pursuant to §392.461, RSMo (enacted on August 28, 2011 by House Bill No. 338), of its election to be exempt from the requirement that it offer retail telecommunications services to end users only through tariff.⁶ Teleport has provided, and continues to provide, services pursuant to the rates, charges, terms and conditions made available on its website, at www.att.com/servicepublications.

7. At this time, Teleport plans to continue to offer its PrimeConnect PRI service in the new service territory to meet customer demand. Teleport will update its website to reflect the availability of additional service offerings in the new service territory as requested and as facilities permit.

8. The additional basic local exchange service area for which Teleport seeks certification would be no different than that presently served by the incumbent local exchange telecommunications companies (“ILECs”) serving the area in that it will follow the boundaries of these companies, and would be no smaller than an exchange. Teleport will continue to offer basic local service as a separate and distinct service, including in the new service area where facilities permit, and will give consideration to equitable access for all Missourians, regardless of where they might reside or their income, to affordable telecommunications service in the new service area, in accordance with applicable law.

9. To the extent it is necessary to do so, Teleport intends to negotiate suitable interconnection agreements, or amend existing agreements, with the ILECs which serve the additional exchanges in which Teleport plans to offer service. Each such agreement or

⁶ *Id.*, at 6-7.

amendment will be submitted to the Commission for its approval, when consummated, and before Teleport provides service in the exchange(s) to which the agreement or amendment is applicable.

10. Teleport seeks continued classification as a competitive telecommunications company, including classification of its basic local exchange telecommunications service in the new service area as competitive, pursuant to Section 392.361 RSMo. and 4 CSR 240-3.510(1)(A). As earlier noted, in the Commission's order granting Teleport a certificate of service authority, the Commission classified Teleport and its services as competitive.⁷

D. Compliance with Rules and Request for Waiver

11. Pursuant to Sections 386.570 and 392.455(2), RSMo, Teleport will continue to comply with all applicable statutes and Commission rules and minimum standards to the extent that they may be applicable to it, except such statutes, rules and standards as have been or may be waived.

12. Teleport and all other AT&T-affiliated companies certificated to provide telecommunications services in Missouri have elected to waive the application and enforcement of several telecommunications-related statutes and rules, both as a consequence of HB 1779 enacted in 2008 (and subsequent proceedings implementing the legislation)⁸ and as a consequence of HB 338 enacted in 2011 (and subsequent proceedings implementing the legislation).⁹ In March, 2012, the Commission summed up the status of these waivers:

"The AT&T Companies have elected waiver of the following statutes and regulations:

Statutes:

392.210.2 Accounting requirements (system of accounts)
392.240.1 Reasonableness of rates

⁷ Order, at 3, 6.

⁸ See, Order, at 3, 7-8; *see also*, Order Concerning Request for Waivers on Behalf of the AT&T Joint Petitioners Pursuant to Section 392.420, RSMo., as Amended by HB 1779, issued November 6, 2008 in Case No. TO-2009-0064.

⁹ See, Order, at 3, 7-8; *see also*, Notice Acknowledging the AT&T Companies' Election of Waivers of Certain Rules and Statutes, issued March 19, 2012 in File No. TE-2012-0073.

- 392.270 Accounting requirements (valuation of property)
- 392.280 Accounting requirements (depreciation rates/accounts)
- 392.290 Issuance of stocks, bonds and other indebtedness
- 392.300 Transfer of property and ownership of stock
- 392.310 Approval of issuing stocks, bonds and other indebtedness
- 392.320 Certificate of commission to be recorded-stock dividends
- 392.330 Accounting requirements (proceeds of sales of stock, bonds, notes, etc.)
- 392.340 Company reorganization

Regulations:

- 4 CSR 240-3.520 Applications to sell or transfer assets
- 4 CSR 240-3.525 Applications to merge or consolidate
- 4 CSR 240-3.530 Applications to issue stocks, obtain loans
- 4 CSR 240-3.535 Applications to acquire stock
- 4 CSR 240-3.545(8)(C) Listing of waivers in tariff
- 4 CSR 240-3.550 Telco records and reports (except (5)(B), (D), and (E))
- 4 CSR 240-3.555 Residential customer inquiries
- 4 CSR 240-3.560 Procedure for ceasing operations
- 4 CSR 240-10.020 Depreciation records
- 4 CSR 240-30.020 Residential telephone underground systems
- 4 CSR 240-30.040 Uniform system of accounts
- 4 CSR 240-32.010 General provisions
- 4 CSR 240-32.040 Metering, inspections and tests
- 4 CSR 240-32.050 Customer services
- 4 CSR 240-32.060 Engineering and maintenance
- 4 CSR 240-32.070 Quality of service
- 4 CSR 240-32.080 Service objectives and surveillance levels
- 4 CSR 240-32.090 Connection of equipment and inside wiring
- 4 CSR 240-32.100 Provision of basic local and interexchange services
- 4 CSR 240-32.130-170 Prepaid calling cards (except 32.140 and 32.150(1))
- 4 CSR 240-32.180-190 Caller ID blocking requirements
- 4 CSR 240-33.010 Service and billing practice general provisions
- 4 CSR 240-33.040 Billing and payment standards
- 4 CSR 240-33.045 Clear identification and placement of charges on bills
- 4 CSR 240-33.050 Deposits 4 CSR 240-33.060 Residential customer inquiries
- 4 CSR 240-33.070 Discontinuance of service
- 4 CSR 240-33.080 Disputes by residential customers
- 4 CSR 240-33.090 Settlement agreements with residential customers 4 CSR
- 240-33.130 Operator service requirements
- 4 CSR 240-33.140 Payphone requirements (except (2))
- 4 CSR 240-33.150 "Anti-slamming" requirements
- 4 CSR 240-33.160 Customer proprietary network information"

In doing so, the Commission acknowledged that "[t]he AT&T Companies do not need the permission of the Commission to elect those waivers and the waivers took effect at the time they

filed their notice.”¹⁰

13. Teleport respectfully submits that once the Commission grants it the expanded certification requested by this Application, Teleport is no less entitled to the same above-listed statutory and rule waivers with respect to the additional exchanges referenced herein as in the exchanges it currently serves, as well as the other AT&T companies and many other companies providing telecommunications services in Missouri (all of which companies are referenced in EFIS File No. TE-2012-0073). Teleport, therefore, hereby notifies the Commission of its election to waive and be exempt from the application and enforcement of the above statutes and rules as to the additional exchanges for which it seeks certification, effective on the same date as the effective date of the Commission’s order granting the relief sought by this Application.

14. Subject to the FCC’s recent *Connect America Fund* order, which requires all local exchange companies to file to reduce intrastate switched access rates,¹¹ and notwithstanding the provisions of Section 392.500 and 392.510 RSMo, as a condition of the requested certification and competitive classification, Teleport agrees that, unless otherwise ordered by the Commission, its originating and terminating switched exchange access rates in the new service area will be no greater than the lowest Commission-approved corresponding access rate in effect for the ILEC within that service area in which Teleport provides local exchange telecommunications service. Additionally, pursuant to the Commission’s Report and Order in Case No. TO-99-596, Teleport agrees that if the ILEC decreases its current originating and/or terminating switched access service rates, TCG St. Louis shall file an appropriate tariff amendment to reduce its corresponding originating and/or terminating switched access rates within thirty (30) days of the ILEC’s reduction of its originating and/or terminating access rates in order to maintain the cap on switched

¹⁰ *Id.*, at 1.

¹¹ *Connect America Fund et al.*, WC Docket No. 10-90 et al., *Report and Order and Further Notice of Proposed Rulemaking*, FCC 11-161 (rel. Nov. 18, 2011) (“*USF/ICC Transformation Order*”), *Pets. For review pending*, *Direct Communications Cedar Valley, LLC vs. FCC*, No. 11-9581 (10th Cir. Filed Dec. 18, 2011) (and consolidated cases).

exchange access rates.

15. Teleport has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve Missouri retail customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of this Application.

16. Teleport does not have any overdue annual reports or regulatory assessment fees.

E. Public Interest Considerations

17. Teleport submits that the public interest will be served by the Commission's approval of this application because the proposed services will create and enhance competition and expand customer service options consistent with the legislative goals of the Telecommunications Act of 1996, and Chapter 392, RSMo. Prompt approval of this application will further expand the availability of innovative, high quality, and reliable telecommunication services within the state of Missouri.

F. Conclusion

WHEREFORE, Teleport respectfully requests the Commission grant this Application by:

1. expanding Teleport's certificate of service authority to include the provision of basic local telecommunications services in the additional exchanges listed in Attachment 1 hereto;
2. classifying Teleport and its basic local service in the new service territory as competitive;
3. waiving the application and enforcement of the statutes and rules referenced herein in the new service territory (to the extent necessary); and
4. granting such further and other relief as the Commission deems necessary.

Respectfully submitted,

Teleport Communications
America, LLC

BY 

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VERIFICATION

STATE OF NEW JERSEY)
)
COUNTY OF SOMERSET) SS

I, James F. Dionne, a natural person, do hereby swear and affirm that I am the Chief Financial Officer of Teleport Communications America, LLC; that I am authorized to make this Verification on its behalf; and that the statements in the foregoing document are true and correct to the best of my knowledge, information and belief.



James F. Dionne

SWORN TO AND SUBSCRIBED before me this 1st day of November, 2013.



Notary Public

Notary Seal:

Cynthia L Hardy
Notary Public of New Jersey
My Commission Expires
November 18, 2014

CERTIFICATE OF SERVICE

Copies of this document were served on the following parties by e-mail on the 1st day of November, 2013.


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