

**BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION**

In the Matter of the Application of	)	
Victory Communications for a Certificate	)	Case No.
of Service Authority to provide Basic Local	)	
Telecommunications Services in portions	)	
of the State of Missouri, to classify said	)	
services and the company as competitive,	)	
and to waive certain statutes and rules.	)	

**APPLICATION FOR CERTIFICATE OF SERVICE AUTHORITY**  
**TO PROVIDE BASIC LOCAL TELECOMMUNICATIONS SERVICE, FOR**  
**COMPETITIVE CLASSIFICATION,**  
**AND FOR CERTAIN WAIVERS**

Comes now Victory Communications, Inc. (“Victory Communications”) by its undersigned counsel, and hereby applies pursuant to Sections 392.361, 392.410, 392.420, 392.430, 392.440, 392.450, 392.451, and 392.455 R.S.Mo., the federal Telecommunications Act of 1996, and 4 CSR 240-2.060 and 4 CSR 240-3.510, for authority to provide basic local telecommunications service in portions of the State of Missouri, for classification of said service and company as competitive, and for certain waivers. In support of its application Victory Communications, Inc. states as follows:

1. Applicant Victory Communications is a corporation duly organized and existing under and by virtue of the laws of the State of Louisiana, authorized to do business in Missouri as reflected in Exhibit A attached hereto and incorporated herein by this reference. Its principal place of business is located at 681 Downsville Road, Downsville, Louisiana 71234, and its main telephone number is 1-888-799-0071, its fax number is 1-888-799-0072 and e-mail address (primary contact) is [beasleyjack@hotmail.com](mailto:beasleyjack@hotmail.com).

2. All inquiries, correspondence, communications, pleadings, notices, orders and decisions relating to the case should be addressed to:

Carl J. Lumley  
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and

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and

Mr. Jack Beasley  
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Downsville, LA 71234  
1-888-799-0071  
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Mr. Beasley will be the contact person for Victory once the Company becomes certified.

3. Victory Communications proposes to provide basic local telecommunications service on a resold and facilities basis, throughout all exchanges currently served by the incumbent local exchange telecommunication company Southwestern Bell Telephone

Company, L.P. (SBC). The specific SBC exchanges within which Victory Communications, Inc proposes to offer service are listed in SBC's local exchange tariffs. Victory Communications may seek authority to provide this service in other areas of the state in a subsequent proceeding.

4. Pursuant to this application Victory Communications, Inc seeks to offer and provide all forms of basic local telecommunications service, including: Residential POTS and Residential Prepaid Local Calling Services as described in the company's attached proposed tariff.

5. Victory Communications possesses the technical and managerial expertise and experience necessary to provide the service it proposes. A description of the backgrounds of Victory Communications's management, which demonstrates the Company's extensive experience and expertise, are attached hereto and incorporated herein by reference as Exhibit B. Evidence that the Company also possesses the necessary financial resources to provide service is demonstrated in Exhibit C attached hereto and incorporated herein by this reference, which exhibit is highly confidential and submitted under seal for protection pursuant to the motion for protective order filed herewith, in that the highly confidential information contained therein concerns market specific information relating to services to be offered in competition with others. It is also information concerning trade secrets and confidential and private technical, financial and business information that would alternatively be considered proprietary under the terms of the Commission's standard protective order.

6. Victory Communications seeks classification of itself and its service as competitive.

7. Victory Communications will offer basic local telecommunications service as a separate and distinct service in accordance with applicable law and will give consideration to equitable access for all Missourians, regardless of where they might reside or their income, to affordable telecommunications services in Victory Communication Inc.'s proposed service areas in accordance with applicable law.

8. Victory Communications Inc. is willing to comply with all applicable Commission rules and orders and is willing to meet all relevant service standards, including but not limited to billing, quality of service, and tariff filing and maintenance in a manner consistent with the Commission's requirements for the incumbent local exchange carrier with whom Victory Communication Inc. seeks authority to compete. Additionally, Victory Communications Inc. agrees that, pursuant to Section 392.455(3) & (4), its local service area shall be no smaller than a exchange and will follow the exchange boundaries of the incumbent. Consistent with the Commission's treatment of other certificated competitive local exchange telecommunications companies, Victory Communications Inc. requests that the following statutes and regulations be waived for Victory Communications Inc. and its basic local telecommunications service offerings:

Statutes	Missouri Public Service Commission Rules
392.210.2	4 CSR 240-10.020
392.240 (1)	4 CSR 240-3.545 (2) (C)
392.270	4 CSR 240-3.550(5)(C)
392.280	4 CSR 240-30.040
392.290	4 CSR 240-33.030
392.300.2	
392.310	
392.320	
392.330	
392.340	

The Commission has previously determined that there is good cause and reason for waiving these statutes and regulations for competitive companies and basic local service and such determination remains sound. No public utility will be affected by the requested waiver of these statutes and regulations.

9. Victory Communications Inc., in compliance with 4 CSR 240-3.510(1), submits a proposed tariff with a forty-five day effective date.

10. Victory Communications Inc. submits that the public interest will be served by Commission approval of this application because Victory Communications Inc.'s proposed services will create and enhance competition and expand customer service options consistent with the legislative goals set forth in the federal Telecommunications Act of 1996 and Chapter 392 RSMo. Prompt approval of this application also will expand the availability of innovative, high quality, and reliable telecommunications services within the State of Missouri.

11. Victory Communications submits, notwithstanding the provisions of Section 392.500 and 392.510 RSMo., as a condition of certification and competitive classification, that, unless otherwise ordered by the Commission, Victory Communications's originating and terminating switched exchange access rates will be no greater than the lowest Commission-approved corresponding access rates in effect for each ILEC within whose service areas it seeks authority to provide service. Additionally, pursuant to the Commission's decisions in Case Nos. TO-99-596 and TO-2001-65, Victory Communications agrees that if the ILEC in whose service area Victory Communications is operating decreases its originating and/or

terminating access service rates, Victory Communications shall to the extent necessary file an appropriate tariff amendment to reduce its originating and/or terminating access rates in the same exchanges 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 exchange access rates. Victory agrees that, absent contrary legal authority, any increase in switched access rates above the aforesaid maximum shall be subject to Section 392.200 RSMo and cost-justified pursuant to Sections 392.220 and 392.230 RSMo.

12. Victory has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer services or rates, which action, judgment or decision has occurred within three (3) years of the date of this application. Victory has no overdue annual reports or assessment fees.

WHEREFORE, applicant Victory Communications respectfully requests that the Commission grant it a certificate of service authority to provide basic local telecommunications service as herein requested, classify Victory Communications and its proposed service as competitive, grant a waiver of the aforesaid statutes and regulations, approve Victory's tariffs, and grant such other and further relief as it deems meet and proper.

Respectfully submitted,

/s/ Carl J. Lumley

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Carl Lumley #32869  
Leland B. Curtis, #20550  
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/s/ Jesús Sifuentes (by Carl J. Lumley)

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ATTORNEYS FOR APPLICANT  
Victory Communications, Inc.

**CERTIFICATE OF SERVICE**

A true and correct copy of the foregoing document was mailed this 20th day of February, 2004, by placing same in the U.S. Mail postage paid to:

Office of Public Counsel  
P.O. Box 2230  
Jefferson City, Missouri 65102

General Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, Missouri 65102

/s/ Carl J. Lumley

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COUNTY OF Ouachita )

**VERIFICATION**

I, Jack Beasley, first being duly sworn, state on my oath that I am over the age of twenty-one years, sound of mind, and the President of Victory Communications Inc. I am authorized to act on behalf of Victory Communications Inc., regarding the foregoing application. I have read the application and I am informed and believe the matters contained therein are true. Further, I hereby confirm that Carl J. Lumley and Leland B. Curtis of Curtis, Oetting, Heinz, Garrett & O'Keefe, P.C. are authorized to sign all pleadings and documents necessary to receive the approval of the Missouri Public Service Commission of the foregoing application, and to represent Victory Communications Inc. in this proceeding.

Jack H. Beasley

Jack Beasley

On this 21<sup>st</sup> day of Jan., 2004, before me, a Notary Public, personally appeared Jack Beasley, and being first duly sworn upon his oath stated that he is over twenty-one, sound of mind and the President of applicant Victory Communications Inc. and that he signed the foregoing document as President and the facts contained therein are true and correct according to the best of his information, knowledge and belief.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year above-written.

Sharon E. Gebhardt

Notary Public

My Commission Expires: \_\_\_\_\_

SHARON E. GEBHARDT, NOTARY P  
OUACHITA PARISH, LOUISIA  
MY COMMISSION IS FOR 1