

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 30th day
of January, 2007.

In the Matter of the Application of MultiBand, Inc.,)
for a Certificate of Service Authority to Provide) **Case No. ZA-2006-0346**
Shared Tenant Services in the State of Missouri.)

ORDER GRANTING SHARED TENANT SERVICES CERTIFICATE

Issue Date: January 30, 2007

Effective Date: February 9, 2007

Syllabus: This order grants MultiBand, Inc., a certificate of service authority to provide private shared tenant services at Jefferson Arms Apartments, located at 415 North Tucker Road, St. Louis, Missouri.

On March 6, 2006, MultiBand, Inc., applied to the Commission for authority to provide private shared tenant services (STS). MultiBand applied under Section 392.410, RSMo 2000, which provides that no telecommunications company not exempt from that subsection shall conduct any business in this state until it has a certificate of service authority.

The Commission issued an Order and Notice on March 14, 2006. In that notice, the Commission allowed interested parties until April 3 to request to intervene. Southwestern Bell Telephone, L.P., d/b/a AT&T Missouri, filed a timely request to intervene, which the Commission granted. On April 7, despite AT&T Missouri's intervention, Staff filed a Recommendation in which it stated that the Commission should grant MultiBand a certificate without any of AT&T Missouri's requested conditions.

After several months of negotiation, AT&T Missouri withdrew its opposition to MultiBand's request on December 29, 2006, stating that AT&T Missouri and MultiBand reached an agreement on the use of AT&T Missouri's facilities in the Jefferson Arms building. MultiBand and Staff filed a Stipulation and Agreement and Joint Motion on January 8, in which they agree that the Commission should grant MultiBand a certificate.

According to Section 392.440, RSMo 2000, the Commission may grant an STS certificate if it is in the public interest. Under Section 392.520, RSMo 2000, STS telecommunications services shall be subject to the minimum regulation permitted by Chapter 392 for competitive telecommunications services. Section 392.520 further provides that the Commission shall exempt STS telecommunications services from even those tariff filing requirements applicable to other competitive telecommunications services.

The Commission finds that granting MultiBand's STS certificate would be in the public interest. Therefore, the Commission finds that it should grant MultiBand a certificate of service authority. The Commission finds that waiving the statutes and Commission rules set out in the ordered paragraph below is reasonable and not detrimental to the public interest.

The Commission reminds the company that failure to comply with its regulatory obligations may result in the assessment of penalties against it. These regulatory obligations include, but are not limited to, the following:

A) The obligation to file an annual report, as established by Section 392.210, RSMo 2000. Failure to comply with this obligation will make the utility liable to a penalty of \$100 per day for each day that the violation continues. 4 CSR 240-3.540 requires telecommunications utilities to file their annual report on or before April 15 of each year.

B) The obligation to pay an annual assessment fee established by the Commission, as required by Section 386.370, RSMo 2000.

C) The obligation to comply with all relevant laws and regulations, as well as orders issued by the Commission. If the company fails to comply, it is subject to penalties for noncompliance ranging from \$100 to \$2,000 per day of noncompliance, pursuant to Section 386.570, RSMo 2000.

D) The obligation to keep the Commission informed of its current address and telephone number.

Furthermore, the company is reminded that, if it is a corporation, its officers may not represent the company before the Commission. Instead, the corporation must be represented by an attorney licensed to practice law in Missouri.

In addition, the company is reminded that Section 392.410.5, RSMo Supp. 2005, renders the company's certificate of service authority null and void one year from the date of this order unless it has exercised its authority under that certificate.

IT IS ORDERED THAT:

1. MultiBand, Inc., is granted a certificate of service authority to provide shared tenant services at Jefferson Arms Apartments, 415 North Tucker Road, St. Louis, Missouri, subject to all applicable statutes and Commission rules except as specified in this order.

2. The Commission shall waive the following statutes and regulatory rules:

Statutes

- 392.220 - file tariffs
- 392.230 - charges for short and long distance service
- 392.240.1 - rates-rentals-service & physical connections
- 392.270 - valuation of property (ratemaking)

- 392.280 - depreciation accounts
- 392.290 - issuance of securities
- 392.310 - stock and debt issuance
- 392.320 - stock dividend payment
- 392.330 - issuance of securities, debts and notes
- 392.340 - reorganization(s)
- 392.370(4) - submission of cost information
- 392.370(5) - application of 392.220, .230 for transitionally competitive services
- 392.390(3) - separation report
- 392.500 - changes in rates

Commission Rules

- 4 CSR 240-3.525(2)(C) - posting exchange rates in central office
- 4 CSR 240-10.020 - depreciation fund income
- 4 CSR 240-30.040 - uniform system of accounts
- 4 CSR 240-33.030 - minimum charges
- 4 CSR 240-33.040(5) - finance fee

3. This order shall become effective on February 9, 2007.
4. This case may be closed on February 10, 2007.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Murray, Gaw, Clayton,
and Appling, CC., concur.

Pridgin, Senior Regulatory Law Judge