

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

In the Matter of the Application of )  
3L Communications Missouri, LLC for a Certificate )  
of Service Authority to Provide Basic )  
Local Exchange Services in Portions of the )  
State of Missouri and to Classify Said )  
Services and the Company as Competitive )

Case No. \_\_\_\_\_

**APPLICATION FOR CERTIFICATE OF SERVICE AUTHORITY**

COMES NOW 3L Communications Missouri, LLC (“Applicant”), by its undersigned counsel, and files this verified application pursuant to Sections 392.361, 392.410, 392.420, 392.430, and 392.450 RSMo. 2000, the Federal Telecommunications Act of 1996, 4 CSR 240-3.510 and 4 CSR 240-2.060, respectfully requesting that the Missouri Public Service Commission (“Commission”) issue an order that:

- (a) grants Applicant a Certificate of Service Authority to provide basic local exchange telecommunications service in the service territories of AT&T Missouri, the CenturyLink companies, and switched exchange access services in these local exchange service territories pursuant to Chapter 392 RSMo.;
- (b) grants competitive status to Applicant, and classifies the Applicant’s services as competitive, pursuant to 392.361 RSMo.;
- (c) waives certain Commission rules and statutory provisions, pursuant to 392.420 and 392.361 RSMo.; and
- (d) approves Applicant’s initial tariff.

In support of its request, Applicant states:

**A. Identification of Applicant; Proper Secretary of State Authorization.**

1. Applicant, 3L Communications Missouri, LLC, is a limited liability company duly organized and existing under and by virtue of the laws of the State of Missouri. The legal name, principal office or place of business, and telephone number of the Applicant are:

3L Communications Missouri, LLC  
116 West Walnut St.  
Nevada, Missouri 64772  
1-417-268-9004

Applicant's articles of organization are attached hereto as Exhibit A. A copy of Applicant's Certificate of Good Standing pursuant to 4 CSR 240-2.060(1)(B) is attached hereto as Exhibit B and incorporated herein by reference.

2. Applicant's agent for Service of Process in the State of Missouri is:

Melissa Jane Smith  
2977 Hwy K, Ste. 267  
O'Fallon, Missouri 63368

**B. Communications Regarding this Proceeding.**

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

Mark W. Comley  
Newman, Comley & Ruth P.C.  
601 Monroe Street, Suite 301  
P.O. Box 537  
Jefferson City, Missouri 65102  
(573) 634-2266

And to:

Patrick Phipps  
VP of External Affairs  
116 West Walnut St.  
Nevada, Missouri 64772  
(Phone) 417-268-9002  
(Fax) 866-445-6157  
[PLP62711@3Lcom.net](mailto:PLP62711@3Lcom.net)

**C. Description of Applicant, Geographic Area, and Proposed Services to be Offered in Missouri.**

4. Applicant proposes to provide basic local exchange and exchange access telecommunications services on a facilities basis, throughout all exchanges currently served by the incumbent local exchange companies of Southwestern Bell Telephone, L.P. d/b/a AT&T Missouri, and CenturyTel of Missouri, LLC d/b/a CenturyTel, and Spectra Communications Group, LLC d/b/a CenturyTel (collectively the “CenturyLink Companies”). The specific incumbent local exchange carrier exchanges within which Applicant proposes to offer services are listed in the incumbent providers’ respective local exchange tariffs. Applicant may seek expanded authority to provide basic local exchange services in other areas of the state through a subsequent proceeding.

**D. Applicant’s Proposed Service Offerings.**

5. Applicant proposes to provide a suite of competitive basic local exchange services to commercial retail subscribers. Applicant’s facilities-based services will be provided through a combination of its own facilities and leased carrier network facilities. Specifically, Applicant proposes to provide basic local exchange services aimed at providing medium- and small-sized businesses with advanced technologies. Applicant’s services will be available to subscribers twenty-four hours per day, seven days per week, at rates, terms and conditions established by Applicant and reflected in Applicant’s retail and exchange access tariffs. Applicant does not propose to provide operator-assisted calling services to the transient public. Services will be offered and provided in accordance with applicable Missouri laws and Commission rules and regulations.

6. Applicant’s retail and exchange access tariffs, containing the terms, and conditions, applicable to its customers, a description of the services offered, and a list of rates

associated with such services, is being filed contemporaneously with this application in accordance with Commission regulations as Exhibit C and Exhibit D, respectively.

**E. Statement of Technical and Managerial Resources and Abilities.**

7. Applicant possesses the technical and managerial expertise necessary to provide the proposed services as required by Section 392.455(1) RSMo. Description of backgrounds of Applicant's senior management team, which demonstrates Applicant's extensive management experience and expertise, are attached hereto at Exhibit E.

**F. Statement of Financial Viability.**

8. Applicant has the financial viability to provide local exchange service in the State of Missouri as required by Section 392.455(1) RSMo. Applicant is a start-up company, and as such, does not have 12 months of financial information. However, Applicant is providing 12 months of pro forma financial statements, including a balance sheet and income statement, as Exhibit F. As the attached financial statements contain highly confidential and sensitive information, they are filed under seal and marked "HC" consistent with the requirements and protection of 4 CSR 240-2.135. Applicant has also provided a statement of capitalization in Exhibit F. Applicant's financial standing meets the requirements set forth in 4 CSR 240-3.510, as affirmed in the Verification of Applicant annexed to this application.

**G. Request for Competitive Telecommunications Company and Service Classification.**

9. Applicant requests classification as a competitive telecommunications company operating within the State of Missouri. Applicant further requests classification of its services described in Sections C and D, *supra*, and in its proposed tariffs, as competitive services, as each

of these services is subject to substantial competition in the areas in which Applicant proposes to provide service.

**H. Separate and Distinct Services; Equitable Access.**

10. Applicant will offer basic local telecommunications service as a separate and distinct service in accordance with applicable law. Applicant will give due consideration to equitable access for all Missourians, regardless of where they may reside or their income, to affordable telecommunications services in Applicant’s proposed service areas, in accordance with applicable law.

**I. Willingness to Comply with PSC Regulations; Request for Waiver and Exemption.**

11. Applicant is willing and intends to comply with all applicable Commission rules 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 incumbent local exchange carrier(s) with whom Applicant seeks authority to compete. Additionally, Applicant agrees that, pursuant to Sections 392.455(3) and (4) RSMo, its service area shall be no smaller than an exchange. Consistent with the Commission’s treatment of other certificated competitive local exchange telecommunications companies, Applicant requests waiver of the following statutes and regulations for Applicant and its basic local exchange offerings:

**Missouri Statutes Laws (RSMo)**

Section 392.210.2	Establish uniform system of accounts for annual reports
Section 392.240.1	Rates – reasonable average return on investment
Section 392.270	Property valuation
Section 392.280	Depreciation rates
Section 392.290	Issuance of securities
Section 392.300	Transfer of Property and Ownership of stock

Section 392.310	Issuance of stocks and debt
Section 392.320	Stock dividend payment
Section 392.330	Issuance of securities, debt, and notes
Section 392.340	Reorganization(s)

**Missouri Public Service Commission Rules**

4 CSR 240-10.020	Depreciation and income
4 CSR 240-30.040	Uniform system of accounts
4 CSR 240-3.550(4, 5A, 5C)	Telecommunications Company Records and Reports
4 CSR 240-32.060	Engineering/Maintenance
4 CSR 240-32.070	Service Quality
4 CSR 240-32.080	Surveillance
4 CSR 240-33.040(1-3)(5-10)	Residential Billing/Payment Standards
4 CSR 240-33.045	Separately Identified Charges
4 CSR 240-33.080(1)	Identify toll-free number and company name on bills
4 CSR 240-33.130(1, 4, 5)	Operator Services
4 CSR 240-3.545(2)(C)	Rate Schedules

The rules and statutory provisions for which Applicant seeks waiver or exemption have been waived with regard to other competitive local exchange carriers. No other public utility would be affected by the requested waivers. As a result, it would be inconsistent with the goal and purpose of Chapter 392 to apply them to a competitive telecommunications such as Applicant.

**J. Tariff Submission Statement.**

12. Applicant is filing its retail tariff with the Commission contemporaneously with the instant Application, attached hereto as Exhibit C. Applicant is also filing its intrastate exchange access tariff with the Commission as Exhibit D to this Application. Applicant's tariffs bear an effective date no less than 45 days from the issued date, in a manner consistent with the Commission's practice in similar cases.

**K. Public Interest Statement.**

13. Applicant submits that the public interest will be served by Commission approval of the instant application because the 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 2000. Prompt approval of Applicant's application will further expand the availability of innovative, high quality, and reliable telecommunications services within the State of Missouri.

**L. Switched Exchange Access Rate Statement.**

14. Applicant submits, notwithstanding the provisions of Section 392.500 RSMo, as a condition for certification and competitive classification, and agrees that, unless otherwise ordered by the Commission, Applicant's originating and terminating intrastate switched exchange access rates will be no greater than the lowest Commission-approved corresponding rates in effect for each incumbent local exchange carrier within those service areas in which Applicant seeks authority to provide service. Additionally, pursuant to the Commission's *Report and Order* in Case No. TO-99-596, Applicant agrees that if the incumbent local exchange carrier in whose service area Applicant is operating decreases its originating and/or terminating access rates, Applicant shall file an appropriate tariff amendment to reduce its originating and/or terminating access rates within thirty (30) days of the incumbent local exchange carrier's reduction of its originating and/or terminating access rates in order to maintain the cap on intrastate switched exchange access rates.

**M. Pending Action or Unsatisfied Judgments Statement.**

15. Applicant has no pending actions or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates,

which action, judgment, or decision has occurred within three (3) years of the date of this application.

**N. Annual Report or Assessment Statement.**

16. Applicant has never operated in Missouri. Applicant has no annual reports or regulatory assessment fees that are overdue in Missouri.

**O. Interconnection Agreements.**

17. Applicant has requested interconnection agreement negotiations with the AT&T and CenturyLink incumbent local exchange companies in Missouri. The resulting agreements will be filed with the Commission for final approval, immediately following adoption by both parties.

WHEREFORE, Applicant, 3L Communications Missouri, LLC, respectfully requests the Missouri Public Service Commission grant it a Certificate of Service Authority to provide competitive intrastate exchange access and basic local telecommunications services within the State of Missouri; an order classifying it as a competitive telecommunications company providing competitive services; and a waiver of the above-referenced rules and statutory provisions as they relate to the regulation of the Applicant in the State of Missouri; and for further orders as the Commission deems appropriate.



Respectively submitted,

**/s/ Mark W. Comley**

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601 Monroe Street, Suite 301  
P.O. Box 537  
Jefferson City, MO 65102  
(573) 634-2266  
(573) 636-3306 FAX

Attorneys for 3L Communications Missouri, LLC

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was sent via e-mail on this 30th day of December, 2011, to General Counsel's Office at [gencounsel@psc.mo.gov](mailto:gencounsel@psc.mo.gov); and Office of Public Counsel at [opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov).

**/s/ Mark W. Comley**

**VERIFICATION OF APPLICANT**

I, Eric McPeak, first being duly sworn upon oath, depose and say I am President of 3L Communications Missouri, LLC, that I have read the above and foregoing application by me subscribed and know the contents thereof; that said comments are true in substance and in fact, except to those matters stated upon information and belief, and as to those, I believe the same to be true. I further depose and state that 3L Communications Missouri, LLC possesses and retains the financial viability to provide telecommunications services in the State of Missouri and support operations on a sustained and uninterrupted basis in accordance with the financial standing requirements set forth in 4 CSR 240-3.510.

3L Communications Missouri, LLC

By: 

Eric McPeak  
President  
3L Communications of Missouri, LLC

Subscribed and sworn to before me this 30<sup>th</sup> day of December, 2011.



My Commission expires 3-30-12

**BECKY McCONNAUGHEY**  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Cedar County  
My Commission Expires: Mar. 30, 2012  
Commission #08414313

**LIST OF EXHIBITS**

EXHIBIT A: Articles of Incorporation

EXHIBIT B: Certificate of Good Standing

EXHIBIT C: Proposed Retail Tariff

EXHIBIT D: Proposed Exchange Access Tariff

EXHIBIT E: Biographies of Senior Management Team

EXHIBIT F: Pro Forma Financial Statements & Statement of Capitalization