

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

In the matter of the Application of Public)	
Wireless, Inc. for a Certificate of Service)	
Authority to Provide Interexchange and Non-)	<u>Case No. XA-2010-0022</u>
switched Local Exchange)	Tariff File No. YX-2010-0024
Telecommunications Services Authority)	

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission and states:

1. On July 15, 2009, Public Wireless, Inc., (Applicant) filed its Application for interexchange and non-switched local exchange telecommunications services. The Applicant also submitted a proposed tariff, P.S.C. MO No. 1 (Tariff File No. YX-2010-0024).

2. In the attached Memorandum, labeled Appendix A, the Staff recommends that the Missouri Public Service Commission (Commission) grant Applicant a certificate to provide interexchange telecommunications services. Staff also recommends the Commission grant Applicant a certificate to provide local exchange telecommunications services. Local exchange authority should be restricted to dedicated, private line services. The Commission shall grant an application for a certificate of telecommunications service authority upon a finding that the grant of authority is in the public interest. §§ 392.430 and 392.440 RSMo. (2000).

3. Staff also recommends that the Commission classify the Applicant and the services it proposes to offer in its Application as competitive. The Commission may classify a telecommunications provider or its services as competitive if the Commission determines it is subject to sufficient competition to justify a lesser degree of regulation and that such lesser regulation is consistent with the protection of ratepayers and promotes public interest.

§392.361.4. (2008). A majority of the services a competitive company provides must be classified as competitive. §392.361.3. (2008).

4. Staff further recommends that the Commission grant the waivers listed in the Notice of Applications. The Commission may waive the application of its rules and certain statutes if the Commission determines that waiver is consistent with the purposes of Chapter 392. §§ 392.185, 392.361.5 and 392.420. (2008).

5. The Staff further recommends that the Commission state in its order that, pursuant to Section 392.410, the authority conferred by the certificate of service authority shall be null and void unless it is exercised within one year of its issuance

6. The Applicant is not delinquent in filing an annual report, paying the PSC assessment, MoUSF, and Relay Missouri.

WHEREFORE, Staff recommends that the Commission grant Public Wireless, Inc., a certificate of service authority to provide interexchange telecommunications; grant it the requested competitive classification; and grant the standard waivers listed in the Commission's Notice of Application.

Respectfully submitted,

/s/ Sarah L. Kliethermes
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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 26th day of August 2009.

/s/ Sarah L. Kliethermes