

ORIGINAL

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WILLIAM M. SHANSEY  
OF COUNSEL

September 28, 1999

FILED<sup>2</sup>

SEP 28 1999

Missouri Public  
Service Commission

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, Missouri 65102

Re: KDD America, Inc. *TA2000-255*  
Interexchange/Non-Switched Local Exchange Application

Dear Mr. Roberts:

Please find enclosed for filing an original and fourteen copies of KDD America, Inc.'s Application For A Certificate Of Service Authority And For Competitive Classification. This Application is for interexchange and non-switched local exchange service authority and includes as Appendix B to the Application Applicant's proposed tariff bearing an effective date of November 12, 1999. Also please find enclosed an additional three copies of Applicant's proposed tariff for the Commission's tariff file.

Copies of this filing have been sent this date to the General Counsel's Office and the Office of the Public Counsel. Thank you.

Sincerely,

*Brent Stewart*  
Brent Stewart

CBS/bt

Enclosure

cc: General Counsel's Office  
Office of the Public Counsel  
Patrick Crocker

0000284

FILED<sup>2</sup>

SEP 28 1999

Missouri Public  
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the Matter of the Application of )  
KDD America, Inc. for a Certificate of Service )  
Authority to Provide Intrastate Interexchange )  
and Non-Switched Local Exchange )  
Telecommunications Services within the State of )  
Missouri and for Competitive Classification. )

Case No. TA-2000- 255

**APPLICATION FOR INTEREXCHANGE AND**  
**NON-SWITCHED LOCAL EXCHANGE AUTHORITY**  
**AND COMPETITIVE CLASSIFICATION**

Comes now KDD America, Inc. ("Applicant" or "KDD"), by and through counsel, and pursuant to Sections 392.361, 392.420, 392.440 RSMo 1994, Section 392.410 RSMo Supp. 1998, and 4 CSR 240-2.060(4), files this Verified Application requesting that the Missouri Public Service Commission (hereinafter "the Commission") issue an order that:

- (a) grants Applicant a certificate of service authority to provide intrastate resold, interexchange and non-switched local exchange telecommunications services, as herein more specifically defined, pursuant to Chapter 392 RSMo;
- (b) grants competitive status to Applicant and Applicant's requested services; and
- (c) waives certain Commission rules and statutory provisions pursuant to Sections 392.420 and 392.361 RSMo 1994, consistent with the Commission's past treatment of other certificated providers of competitive interexchange/dedicated private line telecommunications services.

In support of its request, Applicant states that:

1. Applicant is a corporation formed and operating under the laws of the State of New York and is duly authorized to transact business in the State of Missouri. Pursuant to the relevant provisions of 4 CSR 240-2.060, relevant documents from the Missouri Secretary of

State's Office is attached hereto and incorporated herein by reference as Appendix A. Applicant's principal place of business is 375 Park Avenue, 7<sup>th</sup> Floor, New York, New York 10152 and its telephone number is (888) 533-4649.

2. All communications, notices, orders and decisions respecting this Application and proceeding should be addressed to:

Charles Brent Stewart  
Stewart & Keevil, L.L.C.  
1001 Cherry Street  
Suite 302  
Columbia, Missouri 65201  
(573) 499-0635  
(573) 499-0638 (fax)

Patrick D. Crocker  
Early, Lennon, Peters & Crocker, P.C.  
900 Commerica Building  
Kalamazoo, Michigan 49007-4752  
(616) 381-8844  
(616) 349-8525 (fax)

with a copy to:

Hiroshi Hirai, President  
KDD America, Inc.  
375 Park Avenue  
7<sup>th</sup> Floor  
New York, New York 10152  
(888) 533-4649

Questions concerning Applicant's ongoing operations should be directed to Mr. Hirai at the above address and phone number. Questions regarding Applicant's proposed tariff should be directed to Laura Anson at (573) 680-6923 or to Mr. Stewart.

3. By this Application, Applicant proposes to provide various types of intrastate interexchange and non-switched private line telecommunications services throughout the state of Missouri on a resold basis. At this time Applicant is seeking authority to provide non-switched, dedicated private line services. Specifically, Applicant seeks authority to provide a full range of "1+" interexchange services, MTS, out-WATS, in-WATS, and where appropriate, non-switched local exchange/private line services. Applicant provides telecommunications services primarily

to small and medium volume business users, although Applicant will provide service to residential customers upon request. Pursuant to 4 CSR 240-2.060(4)(H), Applicant's proposed tariff bearing an effective date of November 12, 1999 is attached hereto and incorporated herein by reference as Appendix B.

4. Applicant requests that it and all its services proposed herein be classified as competitive. Applicant's proposed services herein fall within the category of the types of services which have routinely been authorized by the Commission for numerous other competitive carriers upon verified application without the need for evidentiary hearings. Applicant's proposed services will be subject to sufficient competition to justify a lesser degree of regulation; granting this Application will allow greater price and service options for telecommunications customers and will be in the public interest. Granting Applicant's requested competitive classifications is consistent with past Commission treatment of other competitive certificated interexchange/private line carriers and will encourage competition consistent with the public policy of Federal Telecommunications Act of 1996 and Chapter 392 RSMo.

5. Applicant is willing to comply with all applicable Commission orders, rules and regulations. Applicant requests however, pursuant to Section 392.440 RSMo 1994, that the Commission at minimum waive the application of the following rules and statutory provisions as they relate to the regulation of Applicant to the extent that they previously and routinely have been waived for other certificated competitive interexchange/private line carriers:

### Statutes

392.240(1)--ratemaking  
392.270--valuation of property (ratemaking)  
392.280--depreciation accounts  
392.290--issuance of securities  
392.310--stock & debt issuance  
392.320--stock dividend payment  
392.330--issuance of securities, debts and notes  
392.340--reorganizations

### Commission Rules

4 CSR 240-10.020	--depreciation fund income
4 CSR 240-30.010(2)(C)	--rate schedules
4 CSR 240-30.040	--Uniform System of Accounts
4 CSR 240-32.030(1)(B)	--exchange boundary maps
4 CSR 240-32.030(1)(C)	--record keeping
4 CSR 240-32.030(2)	--in-state record keeping
4 CSR 240-32.050(3)	--local office record keeping
4 CSR 240-32.050(4)	--telephone directories
4 CSR 240-32.050(5)	--call intercept
4 CSR 240-32.050(6)	--telephone number changes
4 CSR 240-32.070(4)	--public coin telephone
4 CSR 240-33.030	--minimum charges rule
4 CSR 240-33.040(5)	--financing fees

6. Applicant is financially capable of providing the services proposed. Applicant also possesses the necessary technical and managerial expertise and experience necessary to provide the services it proposes to offer at standards that will meet or exceed all service standards established by the Commission.

WHEREFORE, Applicant respectfully requests that the Commission: 1) expeditiously grant it a certificate of service authority to provide intrastate, resold interexchange and non-switched local exchange telecommunications services within the State of Missouri; 2) grant Applicant and its proposed services competitive status; and 3) waive the application of the above-referenced statutes and Commission rules; all consistent with past Commission practice and the Commission's treatment of other certificated, competitive providers of intrastate interexchange and non-switched local exchange telecommunications services.


Respectfully submitted,

  
Charles Brent Stewart MoBar, #34885  
STEWART & KEEVIL, L.L.C.  
1001 Cherry Street, Suite 302  
Columbia, Missouri 65201  
(573) 499-0635

ATTORNEY FOR APPLICANT  
KDD AMERICA, INC.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Verified Application has been sent this date to the General Counsel's Office and the Office of the Public Counsel by hand-delivery, this 28<sup>th</sup> day of September, 1999.



**VERIFICATION**

Hiroshi Hirai, President of KDD America, Inc. first being duly sworn on oath, deposes and says that he has read the foregoing Application and verifies that the statements made therein are true and correct to the best of his knowledge, information and belief.

BY: H. Hirai  
Hiroshi Hirai  
President

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of November, 1998  
by Hiroshi Hirai.

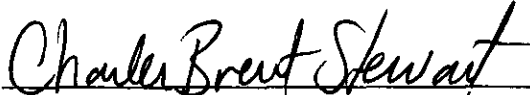
[Signature]  
Notary Public  
For the County of  
My Commission expires

MICHIKO ITO CRAMPE  
Notary Public, State of New York  
No. 31-4792393  
Qualified in New York County  
Commission Expires March 30, 1999  
99

**VERIFICATION**

STATE OF MISSOURI     )  
                                  )SS  
COUNTY OF BOONE     )

I, Charles Brent Stewart, verify that: I am an attorney licensed to practice in the State of Missouri, MoBar #34885; that my law firm, Stewart & Keevil, L.L.C. has been retained by KDD America, Inc. to represent it before the Missouri Public Service Commission in obtaining the Company's interexchange and non-switched local exchange certificate of service authority; that we have been duly authorized to file the foregoing Application For Intervention on our client's behalf; and that the statements contained in this Application are true to the best of my knowledge, information and belief.

  
Charles Brent Stewart, MoBar #34885

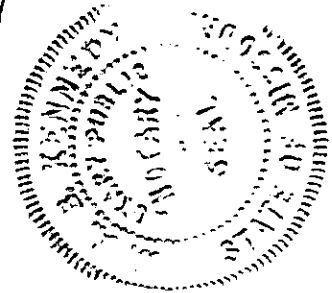
Subscribed and sworn to before me, a notary public, this 2<sup>nd</sup> day of August, 1999.

  
\_\_\_\_\_  
Notary Public

My commission expires:

W. A. B. Kennedy  
Notary Public, State of Missouri  
County of Boone  
My Commission Expires 03/11/00

[seal]





KDD America, Inc.  
Interexchange/Non-Switched  
Local Exchange Application  
Mo PSC Case No. TA-2000-

## **APPENDIX A**

**Secretary of State**

**Documents**

# STATE OF MISSOURI



**Rebecca McDowell Cook**  
**Secretary of State**

## CORPORATION DIVISION - CERTIFICATE OF AUTHORITY

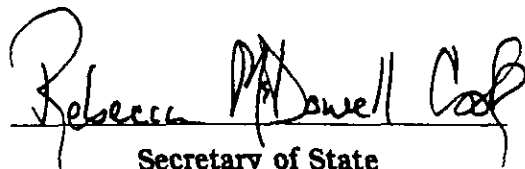
WHEREAS,  
KDD AMERICA, INC.

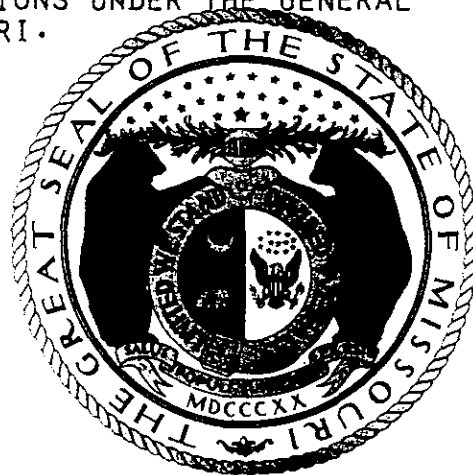
USING IN MISSOURI THE NAME  
KDD AMERICA, INC.

HAS COMPLIED WITH THE GENERAL AND BUSINESS CORPORATION LAW WHICH GOVERNS FOREIGN CORPORATIONS; BY FILING IN THE OFFICE OF THE SECRETARY OF STATE OF MISSOURI AUTHENTICATED EVIDENCE OF ITS INCORPORATION AND GOOD STANDING UNDER THE LAWS OF THE STATE OF NEW YORK.

NOW, THEREFORE, I, REBECCA MCDOWELL COOK, SECRETARY OF STATE OF THE STATE OF MISSOURI, DO HEREBY CERTIFY THAT SAID CORPORATION IS FROM THIS DATE DULY AUTHORIZED TO TRANSACT BUSINESS IN THIS STATE, AND IS ENTITLED TO ALL RIGHTS AND PRIVILEGES GRANTED TO FOREIGN CORPORATIONS UNDER THE GENERAL AND BUSINESS CORPORATION LAW OF MISSOURI.

IN TESTIMONY WHEREOF, I HAVE SET MY HAND AND IMPRINTED THE GREAT SEAL OF THE STATE OF MISSOURI, ON THIS, THE 2ND DAY OF AUGUST, 1999.

  
Secretary of State



\$155.00



# State of Missouri

Rebecca McDowell Cook, Secretary of State

P.O. Box 778, Jefferson City, Mo. 65102

Corporation Division

**FILED**  
AND CERTIFICATE C  
AUTHORITY ISSUED

## Application for Foreign Corporation For a Certificate of Authority

AUG 02 1999

(Submit in duplicate with filing fee of \$155.00)

*Rebecca McDowell Cook*  
SECRETARY OF STATE

- (1) The corporation's name is KDD AMERICA, INC.  
and it is organized and existing under the laws of NEW YORK
- (2) The name it will use in Missouri is KDD America, Inc.
- (3) The date of its incorporation was 06/29/89, and the period of its duration is PERPETUAL  
month/day/year
- (4) The address of its principal place of business 375 PARK AVE., 7TH FL., NEW YORK, NY 10152  
Address City/State/Zip
- (5) The name and address of its registered agent and office in the State of Missouri is  
JOHN L. HEARNE, ESQ., 300-B EAST HIGH STREET, JEFFERSON CITY, MO 65101  
Name Address City/State/Zip
- (6) The specific purpose(s) of its business in Missouri are:  
TO CARRY ON THE BUSINESS OF SALE AND MARKETING OF TELECOMMUNICATION SERVICES

- (7) The name of its officers and directors and their business addresses are as follows:

(Officers)	Name	Address	City/State/Zip
President	<u>SEE ATTACHED LIST</u>		
Vice President	<u></u>		
Secretary	<u></u>		
Treasurer	<u></u>		

### (Board of Directors)

Director	<u>SEE ATTACHED LIST</u>
Director	<u></u>
Director	<u></u>
Director	<u></u>

- (8) The effective date of this document is the date it is filed by the Secretary of State of Missouri, unless you indicate a future date, as follows:

(Date may not be more than 90 days after the filing date in this office)

In affirmation thereof, the facts stated above are true.

*H. J. Siran*

(Authorized signature of officer or chairman of the board)

President

(Title)

7/16/1999

(Date of Signature)

Note: You must have a current certificate of good standing or certificate of existence with this application. This may be obtained from the Secretary of State or other authority that issues corporate charters.

KDD America, Inc.  
Interexchange/Non-Switched  
Local Exchange Application  
Mo PSC Case No. TA-2000-

## **APPENDIX B**

### **Proposed Tariff**