

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) File No. XA-2010-0022
Interexchange and Non-Switched Local) Tracking No. YX-2010-0024
Telecommunications Services in the State of Missouri)

ORDER APPROVING INTEREXCHANGE AND NONSWITCHED LOCAL EXCHANGE CERTIFICATE OF SERVICE AUTHORITY AND ORDER APPROVING TARIFF

Issue Date: August 26, 2009

Effective Date: August 29, 2009

The Missouri Public Service Commission is approving the application and accompanying tariff of Public Wireless, Inc., ("Public Wireless") for a certificate of service authority to provide intrastate interexchange and non-switched local transport telecommunications services.

Public Wireless, Inc. (Public Wireless) applied to the Missouri Public Service Commission on July 15, 2009, for a certificate of service authority to provide intrastate interexchange and non-switched local exchange telecommunications services in Missouri under Sections 392.410 through 392.450, RSMo. Public Wireless asked the Commission to classify it as a competitive company and to waive certain statutes and rules as authorized by Sections 392.361 and 392.420, RSMo Supp. 2008. Public Wireless is a Delaware corporation with its principal office located at 20 Danada Square West, Suite 278, Wheaton, Illinois 60189.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on July 16, 2009, directing parties wishing to intervene to file their requests by July 31, 2009. No requests for intervention were filed.

Public Wireless filed a proposed tariff in conjunction with its application with an effective date of August 29, 2009. Public Wireless's tariff describes the rates, rules, and regulations it intends to use, identifies Public Wireless as a competitive company, and lists the waivers requested. Public Wireless intends to provide interexchange and nonswitched local exchange telecommunications services, including interexchange and non-switched local transport telecommunications services.

In its Memorandum filed on August 26, 2009, the Staff of the Commission recommended that the Commission grant Public Wireless a certificate of interexchange service authority and a certificate of service authority for local exchange telecommunications service on condition that this authority be restricted to providing dedicated private line services. Staff recommended that the Commission grant Public Wireless competitive status, and waiver of the statutes and rules listed in the Notice. Staff recommended that the Commission approve the proposed tariff to become effective on August 29, 2009.

The Commission finds that competition in the intrastate interexchange and non-switched local exchange telecommunications markets is in the public interest and Public Wireless shall be granted certificates of service authority. The Commission finds that the services Public Wireless proposes to offer are competitive and Public Wireless shall be classified as a competitive company. 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 finds that Public Wireless's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other

Missouri certificated interexchange and local exchange carriers. The Commission finds that the proposed tariff filed on July 15, 2009, shall be approved to become effective on August 29, 2009.

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, non-attorneys 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. 2008, 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.

THE COMMISSION ORDERS THAT:

1. Public Wireless, Inc. is granted a certificate of service authority to provide intra-state interexchange telecommunications services in the state of Missouri, subject to all applicable statutes and Commission rules except as specified in this order.

2. Public Wireless, Inc. is granted a certificate of service authority to provide non-switched local exchange telecommunications services in the state of Missouri, limited to providing dedicated private line services, subject to all applicable statutes and Commission rules except as specified in this order.

3. The certification granted herein is conditioned upon the company's compliance with the regulatory obligations in this order.

4. Public Wireless, Inc. is classified as a competitive telecommunications company. Application of the following statutes and regulatory rules shall be waived:

Statutes

- 392.210.2 - uniform system of accounts
- 392.240.1 - rates-rentals-service & physical connections
- 392.270 - valuation of property (ratemaking)
- 392.280 - depreciation accounts
- 392.290 - issuance of securities
- 392.300.2 - acquisition of stock
- 392.310 - stock and debt issuance
- 392.320 - stock dividend payment
- 392.330 - issuance of securities, debts and notes
- 392.340 - reorganization(s)

Commission Rules

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| 4 CSR 240-10.020 | - depreciation fund income |
| 4 CSR 240-30.040 | - uniform system of accounts |

5. The tariff filed by Public Wireless, Inc. on July 15, 2009, as tariff number YX-2010-0024, is approved to become effective on August 29, 2009. The tariff approved is:

PSC Mo. Tariff 1

Original Title Sheet
Original Sheet No. 1
Original Sheet No. 2
Original Sheet No. 3
Original Sheet No. 4
Original Sheet No. 5
Original Sheet No. 6
Original Sheet No. 7
Original Sheet No. 8
Original Sheet No. 9
Original Sheet No. 10
Original Sheet No. 11
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Original Sheet No. 21
Original Sheet No. 22
Original Sheet No. 23
Original Sheet No. 24
Original Sheet No. 25
Original Sheet No. 26

6. This order shall become effective on August 29, 2009.
7. This file may be closed on August 30, 2009.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Daniel Jordan, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 26th day of August 2009.