

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

In the Matter of Application of Mark Twain Communications)
Company for Interexchange and Non-switched local) **File No. XA-2010-0031**¹
exchange telecommunications service authority)

**ORDER APPROVING INTEREXCHANGE AND
NONSWITCHED LOCAL EXCHANGE CERTIFICATES OF SERVICE
AUTHORITY AND ORDER APPROVING TARIFF**

Issue Date: August 14, 2009

Effective Date: August 29, 2009

The Missouri Public Service Commission is approving the application for certificates of service authority, and accompanying tariffs, of Mark Twain Communications Company (Twain Communications) to provide interexchange and nonswitched local exchange telecommunications services.

Mark Twain Communications Company (Twain Communications) applied to the Missouri Public Service Commission on July 16, 2009, for certificates of service authority to provide intrastate interexchange and non-switched local exchange telecommunications services in Missouri under Sections 392.410 through 392.450, RSMo. Twain Communications 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. Twain Communications is a Missouri corporation with its principal office located at Highway 6 East, P.O. Box 128, Hurdland, Missouri 63547.

¹ This action originally bore File No. CA-2010-0024, but the Commission changed it to the current number to better reflect the nature of the application.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on July 17, 2009, directing parties wishing to intervene to file their requests by August 3, 2009. No requests for intervention were filed.

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

In its Memorandum filed on August 20, 2009, the Staff of the Commission recommended that the Commission grant Twain Communications a certificate of interexchange service authority, and a certificate of service authority for local exchange telecommunications service conditioned on a restriction to providing dedicated private line services. Staff recommended that the Commission grant Twain Communications 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 Twain Communications shall be granted certificates of service authority. The Commission finds that the services Twain Communications proposes to offer are competitive and Twain Communications 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 Twain Communications' 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 16, 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. Mark Twain Communications Company is granted a certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri, subject to all applicable statutes and Commission rules except as specified in this order.

2. Mark Twain Communications Company is granted a certificate of service authority to provide nonswitched 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. Mark Twain Communications Company 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

- 4 CSR 240-3.550(5)(C) - exchange boundary map
- 4 CSR 240-10.020 - depreciation fund income
- 4 CSR 240-30.040 - uniform system of accounts

5. The tariff filed by Mark Twain Communications Company on July 16, 2009, as tariff number YC-2010-0030, is approved to become effective on August 29, 2009. The tariff approved is:

P.S.C. Mo. No. 1, Section 34

First Revised Sheet 8, canceling Original sheet 8
First Revised Sheet 9, canceling Original sheet 9
First Revised Sheet 10, canceling Original sheet 10
First Revised Sheet 11, canceling Original sheet 11

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

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

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

Dated at Jefferson City, Missouri,
on this 14th day of August 2009.