

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

In the Matter of the Application of Metropolitan)	
Telecommunications of Missouri, Inc. to Expand)	
Its Certificate of Authority to Provide Basic Local)	<u>File No. CO-2014-0025</u>
Telecommunications Services to Include All)	YC-2014-0135
Zones and Exchange Areas Served by Incumbent)	
Local Exchange Carrier Windstream, Inc.)	

**ORDER GRANTING EXPANDED CERTIFICATE TO PROVIDE BASIC LOCAL
EXCHANGE TELECOMMUNICATIONS SERVICES AND APPROVING TARIFF**

Issue Date: October 10, 2013

Effective Date: October 20, 2013

This order grants an expanded certificate of service authority to provide basic local exchange telecommunications services in the state of Missouri, classifies those services and the company as competitive, waives certain statutes and regulations, and approves the filed tariff.

On July 30, 2013, Metropolitan Telecommunications of Missouri, Inc. ("MetTel") filed an application with the Missouri Public Service Commission ("Commission") seeking to expand its certificate of authority to provide basic local telecommunications services to all exchanges in Missouri served by incumbent local exchange carrier Windstream Missouri, Inc., and to classify MetTel and its proposed services as competitive. MetTel was previously granted authority from the Commission in File No. CA-2005-0425 to provide facilities-based and resold basic local telecommunications service in the service territories of Southwestern Bell Telephone Company L.P. d/b/a SBC Missouri, Sprint Missouri, Inc. d/b/a Sprint, CenturyTel of Missouri, LLC, and Spectra Communications Group, LLC d/b/a CenturyTel throughout the state of Missouri. The Commission classified both MetTel and its basic local services as competitive.

On August 23, 2013, the Commission issued an *Order Directing Notice of Application, Setting Intervention Deadline, and Directing Filing of Staff Recommendation*, directing parties wishing to intervene to file their requests by September 13, 2013. No applications to intervene were received. On October 4, 2013, the Staff of the Commission recommended that the requested certificate, classification and waivers be granted subject to certain conditions, which MetTel has already accepted in its application.

The Commission may grant an application for a certificate of service authority to provide telecommunications service upon a showing that the applicant has met the statutory requirements,¹ and that the grant of authority is in the public interest.² Based on the verified application and Staff's uncontested recommendation, the Commission finds that MetTel satisfies the requirements for certification and that granting such certificate is in the public interest.

MetTel also requests that it and its expanded services be classified as competitive and that the application of certain statutes and regulatory rules be waived. The Commission may classify a telecommunications service as competitive if the Commission determines that the applicant is subject to a sufficient degree of competition to justify a lesser degree of regulation.³ The Commission may only classify a telecommunications carrier as competitive if a majority of its services are so classified.⁴ The Commission finds that MetTel will be subject to a sufficient level of competition to justify a lesser degree of

¹ See Sections 392.450, 392.451 and 392.455, RSMo 2000. All statutory references, unless otherwise specified, are to the Revised Statutes of Missouri (RSMo), revision of 2000.

² Sections 392.430 and 392.440.

³ Section 392.361.2.

⁴ Section 392.361.3.

regulation. Furthermore, all of the services MetTel will offer are qualified for classification as competitive services.

The Commission may waive certain statutes and administrative rules for competitively classified carriers “if such waiver or modification is otherwise consistent with the other provisions of Section 392.361 to 392.520 and the purposes of this chapter.”⁵ The Commission has developed a standard list of statutes and regulations that it waives for competitive local exchange and interexchange carriers. The Commission finds that the waiver of those statutes and regulations is consistent with the purposes of Chapter 392, and will waive those provisions for MetTel.

The Commission may also require a telecommunications company to comply with any conditions reasonably necessary to protect the public interest. Staff recommends that MetTel’s application be granted subject to certain restrictions regarding switched access rates. These conditions are routinely recommended by Staff, and MetTel has accepted them in its application. The conditions proposed by Staff are necessary to protect the public interest and will be adopted.

In addition, the Staff recommends that the Commission specifically condition certification on MetTel ensuring that calls to certain areas are not unnecessarily blocked, which is also known as “call gapping”. The Commission may impose conditions on telecommunications companies if those conditions are reasonable and necessary to protect the public interest.⁶ As a telecommunications company operating in Missouri, MetTel will have a duty to “receive, transmit and deliver, without discrimination or delay, the conversations and messages of every other telecommunications company with whose

⁵ Sections 392.361.5 and 392.420.

⁶ Sections 392.470.1 and 392.361.6.

facilities a connection may have been made.”⁷ Since the Commission finds that the condition is a reasonable and necessary action to protect the public interest, the certificate will be conditioned on the provision described in the ordered paragraph below.

Section 392.410.5, RSMo Supp. 2012, provides that MetTel’s certificate of service authority becomes null and void one year from the date of this order unless MetTel has exercised its authority under that certificate.

THE COMMISSION ORDERS THAT:

1. Metropolitan Telecommunications of Missouri, Inc. is granted an expanded certificate of authority to provide competitive basic local telecommunications services to all exchanges in Missouri served by incumbent local exchange carrier Windstream Missouri, Inc., subject to the conditions and recommendations contained in the Staff’s Recommendation.

2. Metropolitan Telecommunications of Missouri, Inc. and its services are granted competitive classification.

3. Originating and terminating access rates for Metropolitan Telecommunications of Missouri, Inc. will be no greater than the lowest Commission-approved corresponding access rates in effect for each incumbent local exchange carrier within whose service area Metropolitan Telecommunications of Missouri, Inc. seeks authority to provide service, unless authorized by the Commission pursuant to Section 392.220 and 392.230, RSMo.

4. If the directly competing incumbent local exchange carrier, in whose service area Metropolitan Telecommunications of Missouri, Inc. is operating, decreases its originating or terminating access service rates, Metropolitan Telecommunications of

⁷ Section 392.200.6.

Missouri, Inc. shall file an appropriate tariff amendment to reduce its originating or terminating access rates in the directly competing incumbent local exchange carrier's service area within 30 days of the directly competing incumbent local exchange carrier's reduction of its originating or terminating access rates in order to maintain the cap.

5. Application of the following statutes and Commission rules is waived:

Statutes

392.210.2	Accounting requirements (system of accounts)
392.240.1	Reasonableness of rates
392.270	Accounting requirements (valuation of property)
392.280	Accounting requirements (depreciation rates/accounts)
392.290	Issuance of stocks, bonds and other indebtedness
392.300	Transfer of property and ownership of stock
392.310	Approval of issuing stocks, bonds and other indebtedness
392.320	Certificate of Commission to be recorded-stock dividends
392.330	Accounting requirements (proceeds of sales of stock, bonds, notes, etc.)
392.340	Company reorganization

Commission Rules

4 CSR 240-3.520	Applications to sell or transfer assets
4 CSR 240-3.525	Applications to merge or consolidate
4 CSR 240-3.530	Applications to issue stocks, obtain loans
4 CSR 240-3.535	Applications to acquire stock
4 CSR 240-3.545(8)(C)	Listing of Waivers in Tariff
4 CSR 240-3.550	Telco Records and Reports (except (5)(B), (D) and (E))
4 CSR 240-3.555	Residential Customer Inquiries
4 CSR 240-3.560	Procedure for Ceasing Operations
4 CSR 240-10.020	Depreciation Records
4 CSR 240-30.020	Residential Telephone Underground Systems
4 CSR 240-30.040	Uniform System of Accounts
4 CSR 240-32.010	General Provisions
4 CSR 240-32.040	Metering, Inspections and Tests
4 CSR 240-32.050	Customer Services
4 CSR 240-32.060	Engineering and Maintenance
4 CSR 240-32.070	Quality of Service
4 CSR 240-32.080	Service objectives and surveillance levels
4 CSR 240-32.090	Connection of equipment and Inside Wiring
4 CSR 240-32.100	Provision of Basic Local and Interexchange Services
4 CSR 240-32.130-170	Prepaid Calling Cards (except 32.140 and 32.150(1))
4 CSR 240-32.180-190	Caller ID blocking requirements
4 CSR 240-33.010	Service and Billing Practice General Provisions
4 CSR 240-33.040	Billing and Payment standards
4 CSR 240-33.045	Clear identification and placement of charges on bills

- 4 CSR 240-33.050 Deposits
- 4 CSR 240-33.060 Residential Customer Inquiries
- 4 CSR 240-33.070 Discontinuance of service
- 4 CSR 240-33.080 Disputes by Residential Customers
- 4 CSR 240-33.090 Settlement agreements with residential customers
- 4 CSR 240-33.130 Operator service requirements
- 4 CSR 240-33.140 Payphone requirements (except (2))
- 4 CSR 240-33.150 "Anti-slamming" requirements
- 4 CSR 240-33.160 Customer Proprietary Network Information

6. The certification granted herein is conditioned upon Metropolitan Telecommunications of Missouri, Inc.'s compliance with the regulatory obligations set out in this order. In addition, the certification is conditioned on Metropolitan Telecommunications of Missouri, Inc. undertaking all necessary measures to ensure its contracts with underlying carriers do not contain provisions preventing delivery of traffic to any telephone exchange area of Missouri. Such measures include, but are not limited to, prevention of call blocking and/or call gapping based on the cost of traffic termination; preventing the alteration or stripping of calling party number identification; and ensuring sufficient network capacity exists to process all traffic according to industry-accepted practices.

7. The following tariff, assigned file number YC-2014-0135, is approved to become effective on October 20, 2013:

Missouri Tariff Number 3

- 6th Revised Page 1.1, replacing 5th Revised Page 1.1
- 4th Revised Page 69, replacing 3rd Revised Page 69
 - Original Page 69.1
 - Original Page 69.2
- 1st Revised Page 70, replacing Original Page 70
 - Original Page 70.1
- 4th Revised Page 73, replacing 3rd Revised Page 73
- 3rd Revised Page 74, replacing 2nd Revised Page 74
- 2nd Revised Page 75, replacing 1st Revised Page 75
- 4th Revised Page 76, replacing 3rd Revised Page 76
 - Original Page 76.1
- 4th Revised Page 77, replacing 3rd Revised Page 77

8. This order and Metropolitan Telecommunications of Missouri, Inc.'s certificate shall become effective on October 20, 2013.

9. This file may be closed on October 21, 2013.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive, flowing style.

Morris L. Woodruff
Secretary

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

Dated at Jefferson City, Missouri,
on this 10th day of October, 2013.