

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

In the Matter of the Application of Worldwide     )  
Telecommunications, Inc. for a Certificate of     ) **Case No. XA-2009-0055**  
Authority to Provide Competitive Intrastate     ) Tariff File No. YX-2009-0148  
Interexchange Telecommunications Service in     )  
Missouri     )

**STAFF RECOMMENDATION**

**COMES NOW** the Staff of the Missouri Public Service Commission (“Staff”) and respectfully states as follows:

1. On August 25, 2008, Worldwide Telecommunications, Inc. (“Applicant”) filed with the Missouri Public Service Commission (“Commission”) an Application for a certificate of service authority to provide interexchange telecommunications services in Missouri and to classify such services and the Applicant as competitive.<sup>1</sup> The Applicant also filed a proposed tariff, MO P.S.C. Tariff No. 1 (Tariff File No. YX-2009-0148), bearing an effective date of October 9, 2008.

2. On August 26, 2008, the Commission issued its Notice Of Applications For Intrastate Certificates Of Service Authority And Opportunity To Intervene (“Notice Of Applications”), which, among other things, set a deadline of September 11, 2008 for applications to intervene in this matter. No requests to intervene have been filed.

3. In an order issued September 17, 2008, the Commission directed the Staff to file, no later than September 27, 2008, a pleading stating when the Staff would be able to file a recommendation concerning this matter.

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<sup>1</sup> On September 10, 2008, Applicant filed a First Amended Application, by which it amended paragraph 12 of its original Application to include a statement that Applicant has no overdue annual reports or regulatory assessments in Missouri.

4. In the attached Memorandum (Appendix A), the Staff recommends that the Commission grant the Applicant a certificate of service authority to provide intrastate interexchange telecommunications services. Sections 392.430<sup>2</sup> and 392.440 RSMo provide that 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.

5. The 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. (Section 392.361.4). A majority of the services a competitive company provides must be classified as competitive. (Section 392.361.3<sup>3</sup>).

6. The Staff further recommends that the Commission: a) 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; and b) grant the interexchange 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. (Sections 392.185, 392.361.5<sup>3</sup> and 392.420<sup>3</sup>).

7. The Staff has no objection to the proposed tariff taking effect on October 9, 2008, as requested by the Applicant.

**WHEREFORE**, the Staff recommends that the Commission issue an Order granting Worldwide Telecommunications, Inc. a certificate of service authority to provide intrastate interexchange telecommunications services; classifying the Applicant and its services as

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<sup>2</sup> Unless otherwise noted, all statutory references are to the Revised Statutes of Missouri, 2000.

<sup>3</sup> House Bill 1779, effective August 28, 2008.

competitive; granting the standard interexchange waivers listed in the Commission's Notice of Application; stating that the authority conferred by the certificate shall be null and void unless exercised within a period of one year from the issuance thereof; and approving Applicant's tariff, to be effective October, 9, 2008.

Respectfully submitted,

/s/ **Dennis L. Frey**

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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 23rd day of September 2008.

/s/ **Dennis L. Frey**