

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

In the Matter of a Name Change Request	)	
To Adopt the d/b/a PowerNet Global	)	<b><u>Case No. XN-2009-0155</u></b>
Communications	)	<b><u>Tariff No. YX-2009-0286</u></b>

**STAFF RECOMMENDATION**

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through counsel, and for its *Staff Recommendation* in Case No. XN-2009-0155 and the related Tariff Filing No. YX-2009-0286 states as follows:

1. In Case No. TA-99-574 the Missouri Public Service Commission (the Commission) granted PNG Telecommunications, Inc. (PNG) a certificate of service authority to provide intrastate interexchange telecommunications services and classification as a competitive telecommunications company. PNG's service authority was extended to include basic local exchange services in Case No. TA-2001-433.

2. On October 23, 2008, PNG filed notice with the Commission of a proposed name change, intending to adopt the d/b/a PowerNet Global Communications. With this filing, PNG filed an *Adoption Notice* and a tariff *Title Sheet* with an effective date of November 22, 2008.

3. On November 4, 2008, the Commission issued its *Order Directing Filing*, directing Staff to file a recommendation in this matter no later than November 14, 2008.

4. On November 10, 2008, PNG filed a revised *Title Sheet* and requested an extension of the effective date of the tariff until November 25, 2008.

5. Commission Rule 4 CSR 240-2.060 provides:

(5) A name change may be accomplished by filing the items below with a cover letter requesting a change of name. Notwithstanding any other provision of these rules, the items required herein may be filed by a nonattorney. Applications for approval of a change of name shall include:

(A) A statement, clearly setting out both the old name and the new name;

(B) Evidence of registration of the name change with the Missouri secretary of state; and

(C) Either an adoption notice and revised tariff title sheet with an effective date which is not fewer than thirty (30) days after the filing date of the application, or revised tariff sheets with an effective date which is not fewer than thirty (30) days after the filing date of the application.

6. In the attached Memorandum, labeled Appendix A, Staff recommends that the Commission recognize the d/b/a PowerNet Global Communications. The application clearly sets forth the old fictitious name of PNG Telecommunications, Inc. and the new fictitious name of PowerNet Global Communications. The application includes evidence of registration of the name change with the Missouri Secretary of State. The application includes an appropriate adoption notice.

7. Commission Rule 4 CSR 240-3.545(20) requires that at or before the next billing cycle an applicant notify its customers of any name change affecting customer recognition of the company.

8. In the attached Memorandum, Staff indicates that customers have been notified in compliance with this Rule.

9. PNG is not delinquent in the filing of its annual report or in the payment of its Commission assessment.

**WHEREFORE,** Staff recommends that the Commission issue an order recognizing the d/b/a PowerNet Global Communications and approving Tariff Filing No. YX-2009-0286.

Respectfully submitted,

/s/ Eric Dearmont

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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 12th day of November, 2008.

/s/ Eric Dearmont

## Memorandum

To: Missouri Public Service Commission Official Case File  
Case No. XN-2009-0155  
Tariff No. YX-2009-0286  
Date: November 10, 2008

From: Sara Buyak  
Telecommunications Department

William Voight      11-12-2008  
Utility Operations Division/Date

Eric Dearmont      11-12-2008  
General Counsel's Office/Date

**Subject: Staff Recommendation for Approval of Name Change**

Existing Name of Company: PNG Telecommunications, Inc.  
Proposed Name of Company: PNG Telecommunications, Inc. d/b/a PowerNet Global Communications (PNG)

**The Telecommunications Department Staff (Staff) recommends the Commission approve the change of name and tariff sheet(s) for PSC MO No. 1 effective on November 25, 2008.**

### Review Items

**Administrative:**

- No applications to intervene filed.
- Evidence of registration of the name change with the Missouri Secretary of State has been submitted.

- Customers have been notified. (4 CSR 240-3.545(20))
- Customers will be notified at or before the next billing cycle of any name change. (4 CSR 240-3.545(20))

**Tariff:**

- Adoption Notice
- Revised Title Page (see tariff review section below)
- New Tariff (see tariff review section below)

**Tariff review items (as applicable):**

- Properly formatted: (Company name, PSC MO No., Page #, Page revision #, proposed effective date)
- Identifies competitive classification.
- Identifies waivers granted.
- Customer specific pricing, if proposed, limited for private line, special access or Centrex-like services or to business customers in exchanges where the incumbent local exchange company has had its business services declared competitive pursuant to Section 392.245. (392.200(8)).
- Proposed rates do not establish geographic deaveraged rates (if not checked, explain in attachment). (392.200(4)).

Appendix A

- If an alternative operator service provider (receives more than 40% of revenues from traffic aggregators) operator service rates do not exceed: Person-to-Person (\$10.00), Station-to-Station/card (\$5.50). (392.515(1))

**Tariff review items (as applicable, only for CLECs):**

- Tariff clearly indicates areas offering local service area  
(\_\_\_\_ AT&T Missouri, \_\_\_\_ CenturyTel, \_\_\_\_ Sprint, \_\_\_\_ Spectra, \_\_\_\_ Other)
- Tariff offers local service as a separate and distinct service.
- Switched access service rates capped at ILEC's rates.

**Are there additional recommendations or special considerations?**

No

Yes

On November 10, 2008, PNG requested an extension of the tariff pages from November 22, 2008 to November 25, 2008.

- The Company is not delinquent in filing an annual report and paying the PSC assessment.
- The Company is delinquent. Staff recommends the Commission grant the requested relief/action on the condition the applicant corrects the delinquency. The applicant should be instructed to make the appropriate filing in this case after it has corrected the delinquency.
- ( No annual report  Unpaid PSC assessment. Amount owed:    )

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Adopt the d/b/a PowerNet Global )  
Communications )

Case No. XN-2009-0155

**AFFIDAVIT OF Sara Buyak**

STATE OF MISSOURI           )  
  ) ss:  
COUNTY OF COLE           )

Sara Buyak, employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that she has participated in preparing the accompanying staff recommendation, and that the facts therein are true and correct to the best of her knowledge and belief.

  
SARA BUYAK

Subscribed and affirmed before me this 10<sup>th</sup> day of November, 2008.

NIKKI SENN  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for Osage County  
My Commission Expires: October 01, 2011  
Commission Number: 07287016

  
NOTARY PUBLIC