

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

In the Matter of the Application of a Name )  
Change from LDMI Telecommunications, )  
Inc. d/b/a LDMI Telecommunications to )  
LDMI Telecommunications, Inc. d/b/a )  
Cavalier Telephone and LDMI )  
Telecommunications, Inc. d/b/a Cavalier )  
Business Communications )

Case No. XN-2007-0275  
Tariff No. YX-2007-0506

**STAFF RECOMMENDATION**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff) and for its recommendation states:

1. In the attached Memorandum, labeled Appendix A, the Staff recommends that the Missouri Public Service Commission recognize the use of the fictitious name "Cavalier Telephone" by LDMI Telecommunications, Inc. in lieu of its current fictitious name of "LDMI Telecommunications."<sup>1</sup>

2. The company has fulfilled the requirements of the Commission's rule governing name changes at 4 CSR 240-2.060(5) in that the request contains (1) a Registration of Fictitious Name issued by the Missouri Secretary of State (demonstrating that LDMI Telecommunications, Inc. has registered the name Cavalier Telephone for use in Missouri); and (2) new tariff identifying the new name.

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<sup>1</sup> On October 2, 2006, Cavalier Telephone Corporation and Talk America Holdings, Inc. jointly filed an application ("Joint Application") seeking approval of a transaction whereby a wholly-owned subsidiary of Cavalier Telephone Corporation would acquire indirect control of two Commission-regulated, wholly-owned subsidiaries of Talk America Holdings, Inc. (LDMI Telecommunications, Inc. and Talk America, Inc.) in Case No. TM-2007-0140. This case appears to relate to that transaction.

3. Customers have been notified of the name change in compliance with 4 CSR 240-3.545(20), and Staff has reviewed the notice and found it acceptable.

4. The company has submitted new tariff sheets with an effective date of February 22, 2007. Staff has reviewed the new tariff sheets and recommends that the Commission approve them.

**WHEREFORE**, Staff recommends that the Commission issue an order acknowledging that LDMI Telecommunications, Inc. will do business under the fictitious name of Cavalier Telephone rather than under the name of LDMI Telecommunications; and approving the tariff sheets filed to effectuate that name change with an effective date of February 22, 2007.

Respectfully submitted,

/s/ David A. Meyer

David A. Meyer  
Senior Counsel  
Missouri Bar No. 46620

Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-8706 (Telephone)  
(573) 751-9285 (Fax)  
[david.meyer@psc.mo.gov](mailto:david.meyer@psc.mo.gov)

**Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 2nd day of February 2007.

/s/ David A. Meyer

## Memorandum

To: Missouri Public Service Commission Official Case File  
Case No. XN-2007-0275  
Tariff No. YX-2007-0506  
Date: February 1, 2007

From: Sherri Kohly  
Telecommunications Department

William L. Voight 02/01/07  
Utility Operations Division/Date

William K. Haas 02/01/07  
General Counsel's Office/Date

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

Existing Name of Company: LDMI Telecommunications, Inc. d/b/a LDMI Telecommunications  
Proposed Name of Company: LDMI Telecommunications, Inc. d/b/a Cavalier Telephone

**The Telecommunications Department Staff (Staff) recommends the Commission approve the change of name and tariff sheet(s) for P.S.C. Missouri Tariff No. 1 effective February 22, 2007.**

### 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

If yes, explain in an attachment. (See below)

- 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:    )

Attachment I

On January 25, 2007, the Commission issued an Order Directing Staff to Investigate and File a Report regarding this application no later than February 14, 2007. LDMI Telecommunications, Inc. d/b/a LDMI Telecommunications' (LDMI's) application requested approval to provide services under its one certificate of service authority but with two fictitious names. At the request of Staff, LDMI withdrew the tariff proposing to add the fictitious name of Cavalier Business Communications (Tariff File No. YX-2007-0507). Staff is recommending approval of the request to change the fictitious name of LDMI Telecommunications to Cavalier Business only and recommends approval of one proposed tariff (Tariff File No. YX-2007-0506).

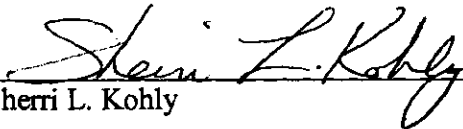
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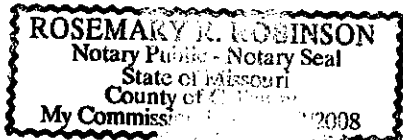
**AFFIDAVIT OF SHERRI L. KOHLY**

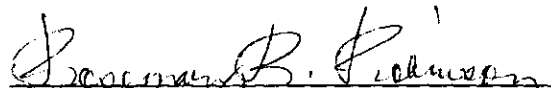
STATE OF MISSOURI )  
 ) ss:  
COUNTY OF COLE )

Sherri L. Kohly, 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 Memorandum, and that the facts therein are true and correct to the best of her knowledge and belief.

  
\_\_\_\_\_  
Sherri L. Kohly

Subscribed and affirmed before me this 1ST day of February 2007  
I am commissioned as a notary public within the County of Cole,  
State of Missouri and my commission expires on 9-23-2008



  
\_\_\_\_\_  
NOTARY PUBLIC