

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of Total Access Telecom )  
Inc., for a Certificate of Service Authority to Provide )  
Interexchange Telecommunications Services Throughout ) **File No. XA-2012-0153**  
the State of Missouri, and to Classify Applicant as ) Tariff No. YX-2012-0229  
Competitive. )

## ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY AND ORDER APPROVING TARIFF

Issue Date: December 27, 2011

Effective Date: January 1, 2012

This order grants Total Access Telecom, Inc. ("Total Access") a certificate of service authority to provide interexchange telecommunications services, grants competitive status, waives certain Commission rules and statutory provisions, and approves the company's proposed tariff.

Total Access Telecom, Inc. applied to the Missouri Public Service Commission ("Commission") on November 17, 2011 for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 2000. Total Access asked the Commission to classify it as a competitive company and waive certain statutes and rules as authorized by Sections 392.361 and 392.420, RSMo Cum. Supp. 2010. Total Access is a Nevada corporation with its principal office located at 2850 W. Horizon Ridge Pkwy., Ste. 200, Henderson, NV 89052.

The Commission issued an Order Directing Notice of Application for Certificate of Service Authority and Setting Intervention Deadline on November 21, 2011, directing parties wishing to intervene to file their requests by December 6, 2011. No requests for intervention were filed.

Total Access filed a proposed tariff in conjunction with its application with an effective date of January 1, 2012. Total Access's tariff describes the rates, rules, and regulations it intends to use, identifies Total Access as a competitive company, and lists the waivers requested. Total Access intends to provide interexchange telecommunications services within Missouri, including 1+ outbound dialing and directory assistance services.

In its Memorandum filed on December 21, 2011, the Staff of the Commission recommended that the Commission grant Total Access a certificate of service authority, competitive status, and waiver of the statutes and rules listed in the recommendation. Staff recommended that the Commission approve the proposed tariff that will become effective on January 1, 2012.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Total Access shall be granted a certificate of service authority. The Commission finds that the services Total Access proposes to offer are competitive, and Total Access 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 Total Access's proposed tariff details the services, equipment, and pricing it proposes to offer. The Commission finds that the proposed tariff filed on November 17, 2011 shall be approved to become effective on January 1, 2012.

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. The company is reminded that Section 392.410.5, RSMo Supp. 2010, 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.

In addition, the Staff recommends that the Commission specifically condition certification on Total Access ensuring that calls to rural 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. Sections 392.470.1 and 392.361.6, RSMo 2000. As a

telecommunications company operating in Missouri, Total Access will have a duty to “receive, transmit and deliver, without discrimination or delay, the conversations and messages of every other telecommunications company with whose facilities a connection may have been made.” Section 392.200.6, RSMo 2000. Since Total Access has agreed to the condition and 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.

**THE COMMISSION ORDERS THAT:**

1. Total Access Telecom, Inc. 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. The certification granted herein is conditioned upon the company’s compliance with the regulatory obligations in this order. In addition, the certification is conditioned on Total Access 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.

3. Total Access Telecom, Inc. is classified as a competitive telecommunications company. Application of the following statutes and regulatory rules shall be 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

4. The tariff filed by Total Access on November 17, 2011, under tariff number YX-2012-0229, is approved to become effective on January 1, 2012. The tariff approved is:

**P.S.C. Mo. No. 1**  
**Original Sheet 1 through Original Sheet 19**

- 5. This order shall become effective on January 1, 2012.
- 6. This file may be closed on January 2, 2012.

**BY THE COMMISSION**



Steven C. Reed  
Secretary

( S E A L )

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

Dated at Jefferson City, Missouri,  
on this 27th day of December, 2011.