

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Common)	
Pointe Networks of Missouri, LLC for)	
Certificate of Service Authority to Provide)	
Intrastate Interexchange and Non-Switched)	<u>Case No. XA-2007-0144</u>
Local Exchange Telecommunications)	Tariff No. YX-2007-0228
Services within the State of Missouri and for)	
Competitive Classification)	

ORDER APPROVING INTEREXCHANGE AND
NONSWITCHED LOCAL EXCHANGE CERTIFICATE OF SERVICE
AUTHORITY AND ORDER APPROVING TARIFF

Issue Date: November 6, 2006

Effective Date: November 19, 2006

Syllabus: This order grants Common Pointe Networks of Missouri, LLC (“Common Pointe”) a certificate of service authority to provide interexchange and nonswitched local exchange telecommunications services, restricted to providing dedicated private line services, and approves the company’s proposed tariff.

On October 5, 2006, Common Pointe Networks of Missouri, LLC (“Common Pointe”) applied to the Missouri Public Service Commission for a certificate of service authority to provide intrastate interexchange and nonswitched local exchange telecommunications services in Missouri under section 392.410, RSMo Cum. Supp. 2005 and sections 392.420 through 392.450, RSMo 2000,¹ as well as the pertinent administrative regulations. Common Pointe asked the Commission to classify it as a competitive

¹ Unless otherwise indicated, all statutory references are to RSMo 2000.

company and to waive certain statutes and Commission rules as authorized by sections 392.361 and 392.420. Common Pointe is a Missouri limited liability corporation with its principal office located at 200 South Wacker Drive, Suite 3100, Chicago, Illinois 60606.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on October 10, 2006, directing parties wishing to intervene to file their requests by October 25, 2006. No requests for intervention were filed.

Common Pointe filed a proposed tariff in conjunction with its application with an effective date of November 19, 2006. Common Pointe's tariff describes the rates, rules, and regulations it intends to use, identifies Common Pointe as a competitive company, and lists the waivers requested. Common Pointe intends to provide interexchange and nonswitched local exchange telecommunications services, including "1+," MTS, out-WATS, in-WATS, and Calling Card services.

In its Memorandum filed on November 3, 2006, the Staff of the Commission recommended that the Commission grant Common Pointe a certificate of interexchange service authority and a certificate of service authority for local exchange telecommunications service on condition that this authority be restricted to providing dedicated private line services. Staff recommended that the Commission grant Common Pointe competitive status, and waiver of the statutes and rules listed in the Notice. Staff further recommended that the Commission approve the proposed tariff to become effective on November 19, 2006.

The Commission finds that competition in the intrastate interexchange and nonswitched local exchange telecommunications markets is in the public interest and Common Pointe shall be granted certificates of service authority. The Commission finds that the services Common Pointe proposes to offer are competitive and Common Pointe 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 Common Pointe's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri-certificated interexchange and local exchange carriers. The Commission finds that the proposed tariff filed on October 5, 2006 shall be approved to become effective on November 19, 2006.

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. 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. Commission Rule 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.

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.

D) The obligation to keep the Commission informed of its current address and telephone number.

Furthermore, the company is reminded that, as 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.

In addition, the company is reminded that section 392.410.5, RSMo Cum. Supp. 2005, 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.

IT IS ORDERED THAT:

1. Common Pointe Networks of Missouri, LLC 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. Common Pointe Networks of Missouri, LLC is granted a certificate of service authority to provide nonswitched local exchange telecommunications services in the state of Missouri, limited to providing dedicated private line services, subject to all applicable statutes and Commission rules except as specified in this order.

3. The certification granted herein is conditioned upon the company's compliance with the regulatory obligations in this order.

4. Common Pointe Networks of Missouri, LLC is classified as a competitive telecommunications company. Application of the following statutes and administrative regulations shall be waived:

Statutes

- 392.210.2 - Uniform System of Accounts
- 392.240.1 - Rates-Rentals-Service & Physical Connections
- 392.270 - Valuation of Property (Ratemaking)
- 392.280 - Depreciation Accounts
- 392.290 - Issuance of Securities
- 392.300.2 - Acquisition of Stock
- 392.310 - Stock and Debt Issuance
- 392.320 - Stock Dividend Payment
- 392.330 - Issuance of Securities, Debts and Notes
- 392.340 - Reorganization(s)

Commission Rules

- 4 CSR 240-10.020 - Depreciation Fund Income
- 4 CSR 240-30.040 - Uniform System of Accounts

5. The tariff filed by Common Pointe Networks of Missouri, LLC on October 5, 2006, as tariff number YX-2007-0228, is approved to become effective on November 19, 2006. The tariff approved is:

P.S.C. Mo. No. 1
Original Sheet Nos. 1-40

6. This order shall become effective on November 19, 2006.

7. This case may be closed on November 20, 2006.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Benjamin H. Lane, Regulatory
Law Judge, by delegation of authority
under section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 6th day of November, 2006.