

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

In the Matter of the Application of Neutral Tandem-Missouri, LLC for Certificate of Service Authority to Provide Intrastate Interexchange and Nonswitched Local Exchange Telecommunications Services Within the State of Missouri and for Competitive Classification. )  
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) **Case No. XA-2006-0034**  
) Tariff No. YX-2006-0045  
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**ORDER APPROVING INTEREXCHANGE AND NONSWITCHED LOCAL EXCHANGE CERTIFICATE OF SERVICE AUTHORITY AND ORDER APPROVING TARIFF**

Issue Date: August 23, 2005

Effective Date: September 6, 2005

**Syllabus:** This order grants Neutral Tandem-Missouri LLC (NTM) 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.

Neutral Tandem-Missouri LLC (NTM) applied to the Missouri Public Service Commission on July 22, 2005, for a certificate of service authority to provide intrastate interexchange and nonswitched local exchange telecommunications services in Missouri under Sections 392.410, RSMo Supp. 2004, through 392.450, RSMo 2000.<sup>1</sup> NTM asked the Commission to classify it as a competitive company and to waive certain statutes and rules as authorized by Sections 392.361 and 392.420. NTM is a Delaware corporation with its principal office located at One South Wacker Drive, Suite 200, Chicago, Illinois 60606.

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<sup>1</sup> All statutory references are to the Revised Statutes of Missouri (RSMo), revision of 2000, unless otherwise indicated.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on July 26, 2005, directing parties wishing to intervene to file their requests by August 10, 2005. No requests for intervention were filed.

NTM filed a proposed tariff in conjunction with its application with an effective date of September 6, 2005. NTM's tariff describes the rates, rules, and regulations it intends to use, identifies NTM as a competitive company, and lists the waivers requested. NTM intends to provide interexchange and nonswitched local exchange telecommunications services.

In its Memorandum filed on August 22, 2005, the Staff of the Commission recommended that the Commission grant NTM 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 NTM competitive status, and waiver of the statutes and rules listed in the Notice. Staff recommended that the Commission approve the proposed tariff to become effective on September 6, 2005.

The Commission finds that competition in the intrastate interexchange and nonswitched local exchange telecommunications markets is in the public interest and NTM should be granted certificates of service authority. The Commission finds that the services NTM proposes to offer are competitive and NTM should 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 NTM'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 July 22, 2005, should be approved to become effective on September 6, 2005.

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.

In addition, the company is reminded that Section 392.410.5, RSMo Supp. 2004, 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 THEREFORE ORDERED:**

1. That Neutral Tandem-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. That Neutral Tandem-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. That the certification granted herein is conditioned upon the company's compliance with the regulatory obligations in this order.

4. That Neutral Tandem-Missouri, LLC is classified as a competitive telecommunications company. Application of the following statutes and regulatory rules 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. That the tariff filed by Neutral Tandem-Missouri, LLC on July 22, 2005, as tariff number YX-2006-0045, is approved to become effective on September 6, 2005. The tariff approved is:

**Missouri Intrastate Tariff No. 1**  
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6. That this order shall become effective on September 6, 2005.
7. That this case may be closed on September 7, 2005.

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

( S E A L )

Kennard L. Jones, Regulatory Law Judge,  
by delegation of authority pursuant  
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 23rd day of August, 2005.