

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of ExteNet Systems,)
Inc. f/k/a ClearLinx Network Corporation for a)
Certificate of Service Authority to Provide) **Case No. XA-2007-0170**
Interexchange and Non-Switched Local Exchange) **Tariff No. YX-2007-0282**
Telecommunications Services, for Classification of)
the Company and Its Services as Competitive, and)
for Waiver of Certain Statutes and Rules)

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

Issue Date: December 12, 2006

Effective Date: December 22, 2006

Syllabus: This order grants ExteNet Systems, Inc. f/k/a ClearLinx Network Corporation (“ExteNet”) 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 27, 2006, ExteNet Systems, Inc. f/k/a ClearLinx Network Corporation (“ExteNet”) 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. ExteNet 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. ExteNet, whose principal office is located at 1901 S. Meyers Road, Suite 190, Oakbrook Terrace, Illinois 60181, is a Delaware corporation duly authorized to do business in Missouri as a foreign corporation.²

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on November 7, 2006, directing parties wishing to intervene to file their requests by November 22, 2006. No requests for intervention were filed.

The proposed tariff filed in conjunction with ExteNet's application had an effective date of December 11, 2006. On November 27, 2006, however, ExteNet filed a letter extending the effective date of the proposed tariff to December 22, 2006. ExteNet's tariff describes the rates, rules, and regulations it intends to use, identifies ExteNet as a competitive company, and lists the waivers requested. ExteNet intends to provide interexchange and nonswitched local exchange telecommunications services limited to providing dedicated private line services, including the provision of point-to-point transport services to other carriers via fiber optic facilities.

In its Memorandum filed on December 11, 2006, the Staff of the Commission recommended that the Commission grant ExteNet 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 ExteNet competitive status, and

² On October 30, 2006, ExteNet filed certain materials which were inadvertently omitted from its October 27, 2006 application. Those materials consisted of documents establishing ExteNet's status as a Delaware corporation authorized to do business in Missouri.

waiver of the statutes and rules listed in the Notice. Staff further recommended that the Commission approve the proposed tariff to become effective on December 22, 2006.

The Commission finds that competition in the intrastate interexchange and nonswitched local exchange telecommunications markets is in the public interest and ExteNet shall be granted certificates of service authority. The Commission finds that the services ExteNet proposes to offer are competitive and ExteNet 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 ExteNet'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 27, 2006 shall be approved to become effective on December 22, 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. ExteNet Systems, 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. ExteNet Systems, Inc. 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 certifications granted herein are conditioned upon the company's compliance with the regulatory obligations in this order.

4. ExteNet Systems, Inc. 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 ExteNet Systems, Inc. on October 27, 2006, as tariff number YX-2007-0282, is approved to become effective on December 22, 2006. The tariff approved is:

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6. This order shall become effective on December 22, 2006.

7. This case may be closed on December 26, 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 12th day of December, 2006.