

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of Access Point, Inc.)	
for Expansion of Certificate of Service Authority to)	
Provide Basic Local Exchange Telecommunications)	<u>File No. TA-2010-0020</u>
Service in the State of Missouri and to Classify said)	Tariff No. YC-2010-0021
Service and the Company as Competitive)	

NOTICE AND ORDER ACKNOWLEDGING VOLUNTARY DISMISSAL, REJECTING TARIFFS AND CLOSING CASE

Issue Date: August 31, 2009

Effective Date: August 31, 2009

On August 27,¹ Access Point, Inc. ("API") filed a notice of voluntary dismissal.

Commission Rule 4 CSR 240-2.116(1) provides, in pertinent part:

An applicant or complainant may voluntarily dismiss an application or complaint without an order of the commission at any time before prepared testimony has been filed or oral evidence has been offered, by filing a notice of dismissal with the commission and serving a copy on all parties.

No prepared testimony or oral evidence has been offered in this case, and API has served a copy of this notice on all parties of record by filing its notice in the Commission's Electronic Information and Filing System. Therefore, the Commission acknowledges that API has voluntarily dismissed its application to expand its certificate of service authority to provide competitive basic local exchange telecommunications throughout all of the exchanges of all Missouri incumbent local exchange companies.

In conjunction with its application, API filed tariffs governing the provision of the proposed telecommunications services. Those tariffs carried an effective date of August 28; however, the Commission suspended the tariffs until September 27. Because

¹ All dates throughout this order refer to the year 2009 unless otherwise noted.

API is dismissing its application for a certificate of service authority, and because it cannot provide service in Missouri without a certificate, the Commission shall reject the tariffs.

THE COMMISSION ORDERS THAT:

1. Access Point, Inc.'s application to expand its certificate of service authority to provide competitive basic local exchange telecommunications throughout all of the exchanges of all Missouri incumbent local exchange companies is dismissed.

2. Access Point, Inc.'s competitive local telecommunications services tariff sheets, assigned tariff tracking number YC-2010-0021, submitted by Access Point, Inc. on July 14 2009, and suspended until September 27, 2009, are rejected. The tariff sheets rejected are:

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3. This order shall become effective immediately upon issuance.
4. This case shall be closed.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Harold Stearley, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 31st day of August, 2009.