

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

In the Matter of the Application of)	
Matrix Telecom, Inc. d/b/a Excel Telecommunications)	
for a Certificate of Service Authority to)	
provide Basic Local Telecommunications,)	File No. TA-2013-0364
Non-Switched Local Exchange Services and)	Tracking Nos. YC-2013-0331
Resold Interexchange Service in the State of)	YX-2013-0332
Missouri and to Classify Said Services)	YC-2013-0333
and the Company as Competitive)	

ORDER GRANTING APPLICATION AND APPROVING TARIFFS

Issue Date: March 5, 2013

Effective Date: March 10, 2013

The Missouri Public Service Commission is granting the application, with conditions recommended by Staff, of Matrix Telecom, Inc. d/b/a Excel Telecommunications (“applicant”) and approving the accompanying tariffs.

I. Procedure

Applicant is a Missouri corporation. Applicant filed the application on January 24, 2013, and filed a supporting affidavit on March 4, 2013. On January 28, 2013, the Commission issued notice and set a deadline for motions to intervene. The Commission received no motion to intervene. Staff filed its *Staff Recommendation* on February 26, 2013. Staff recommends granting the application subject to conditions set forth below and the Commission received no response. No law requires a hearing,¹ so this action is not a contested case² and the Commission need not separately state its findings of fact. Those

¹ State ex rel. Rex Deffenderfer Ent., Inc. v. Public Serv. Comm'n, 776 S.W.2d 494, 496 (Mo. App., W.D. 1989).

² Section 536.010(4), RSMo Supp. 2011.

circumstances also constitute good cause for an effective date less than 30 days from issuance.³

II. Certification

Applicant asks that the Commission certify applicant as described in the caption of this order. The Commission finds and concludes that the public interest supports granting that request.⁴ Therefore, the Commission will grant the authority requested in the application.

III. Competitive Classification

Applicant asks the Commission to classify applicant and its services as competitive. The Commission finds that the relevant market competition is in the public interest, and that the services that applicant proposes to offer are competitive.⁵ Therefore, the Commission will classify applicant and its services as competitive.

IV. Waivers

Applicant asks the Commission to waive certain statutes and regulations. The Commission finds and concludes that waiving the statutes and regulations set out in the ordered paragraphs below is not detrimental to the public interest.⁶ Therefore, the Commission will waive those provisions of law.

V. Other Matters

The Commission reminds the applicant 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 obligation to:

³ Section 393.140(11), RSMo 2000.

⁴ Sections 392.430, RSMo 2000.

⁵ Sections 392.420 and 392.361.3 and .4, RSMo Supp. 2011.

⁶ Sections 392.245.5(8) and 392.361, RSMo Supp. 2011.

A) File an annual report, as established by Section 392.210, RSMo 2000. Failure to comply with this obligation will make the applicant 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) Pay an annual assessment fee established by the Commission, as required by Section 386.370, RSMo 2000.

C) 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) Keep the Commission informed of its current address and telephone number.

Also, the applicant is reminded that, if it is any entity other than an individual, non-attorneys may not represent the applicant before the Commission, and the applicant must be represented by an attorney licensed to practice law in Missouri. In addition, the applicant is reminded that Section 392.410.5, RSMo Supp. 2011, renders any certificate of service authority null and void one year from the date of this order unless it has exercised its authority under that certificate.

THE COMMISSION ORDERS THAT:

1. Applicant is granted a certificate of service authority to provide basic local telecommunications, non-switched local exchange services and resold interexchange service subject to all applicable statutes and Commission regulations except as specified in this order.

- a. The applicant's originating and terminating access rates shall not exceed the access rates of the incumbent local exchange company against whom the applicant is competing pursuant to §§ 392.361.6 and 392.370 RSMo Supp. 2011.
- b. If the directly competing ILEC, in whose service area the applicant is operating, decreases its originating and/or terminating access service rates, the applicant shall file an appropriate tariff amendment to reduce its originating and/or terminating access rates in the directly competing ILEC's service area within 30 days of the directly competing ILEC's reduction of its originating and/or terminating access rates in order to maintain the cap.
- c. The Applicant will undertake 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:
 - 1) Prevention of call blocking and/or call gapping based on the cost of traffic termination,
 - 2) Preventing the alteration or stripping of Calling Party Number identification, and
 - 3) Ensuring sufficient network capacity exists to process all traffic according to industry accepted practices.

2. Applicant is classified as a competitive telecommunications company and applicant's services are classified as competitive.

3. The provisions of law listed in the Appendix A are waived.
4. The tariffs assigned tracking nos. YC-2013-0331, YX-2013-0332, YC-2013-0333 are approved to become effective on March 10, 2013. The specific tariff sheets approved are listed in Appendix B.
5. This order shall become effective on March 10, 2013.
6. This file shall close on March 11, 2013.

BY THE COMMISSION



Shelley Brueggemann
Acting Secretary

Daniel Jordan, Senior Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240.

Dated at Jefferson City, Missouri,
on this 5th day of March, 2013.

Appendix A

RSMO

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

4 CSR 240

3.520 Applications to sell or transfer assets

3.525 Applications to merge or consolidate

3.530 Applications to issue stocks, obtain loans

3.535 Applications to acquire stock

3.545(8)(C) Listing of Waivers in Tariff

3.550 Telco Records and Reports (except (5)(B), (D) and (E))

3.555 Residential Customer Inquiries

3.560 Procedure for Ceasing Operations

10.020 Depreciation Records

30.020 Residential Telephone Underground Systems

30.040 Uniform System of Accounts

32.010 General Provisions

32.040 Metering, Inspections and Tests

32.050 Customer Services

32.060 Engineering and Maintenance

32.070 Quality of Service

32.080 Service objectives and surveillance levels

32.090 Connection of equipment and Inside Wiring

32.100 Provision of Basic Local and Interexchange Services

32.130-170 Prepaid Calling Cards (except 32.140 and 32.150(1))

32.180-190 Caller ID blocking requirements

33.010 Service and Billing Practice General Provisions

33.040 Billing and Payment standards

33.045 Clear identification and placement of charges on bills

33.050 Deposits

33.060 Residential Customer Inquiries

33.070 Discontinuance of service

33.080 Disputes by Residential Customers

33.090 Settlement agreements with residential customers

33.130 Operator service requirements

33.140 Payphone requirements (except (2))

33.150 "Anti-slamming" requirements

33.160 Customer Proprietary Network Information

Appendix B

Missouri PSC Tariff No. 1

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