

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of TCO Network, Inc. for a)
Certificate of Service Authority to Provide Interexchange) **Case No. XA-2008-0098**
Telecommunications Services and to Classify Such) Tariff No. YX-2008-0241
Services and the Company as Competitive)

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE **AUTHORITY AND ORDER APPROVING TARIFF**

Issue Date: November 6, 2007

Effective Date: November 16, 2007

Syllabus: This order grants TCO Network, Inc. ("TCO") a certificate of service authority to provide interexchange telecommunications services and approves the company's proposed tariff.

On October 5, 2007, TCO Network, Inc. ("TCO") applied to the Missouri Public Service Commission for a certificate of service authority to provide intrastate interexchange 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. TCO asked the Commission to classify it as a competitive company and to waive certain statutes and Commission rules as authorized by sections 392.361 and 392.420. TCO is a recently-formed Missouri corporation with its principal office located at 12970 West Bluemound Road, Suite 301, Elm Grove, Wisconsin 53122.

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

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on October 16, 2007, directing parties wishing to intervene to file their requests by October 31, 2007. No requests for intervention were filed.

As an exhibit to its verified application, TCO filed a proposed tariff (Tariff No. YX-2008-0215) with an effective date of November 11, 2007. The Commission rejected that tariff by order dated October 12, 2007. On October 16, 2007, TCO filed a new proposed tariff with an effective date of December 1, 2007, which was assigned Tariff Tracking No. YX-2008-0241. That tariff describes the rates, rules, and regulations it intends to use, identifies TCO as a competitive company, and lists the waivers requested. TCO intends to provide interexchange telecommunications services, including direct outbound dialing, inbound toll-free, travel card, and prepaid calling card services, within the state of Missouri.

In its Memorandum filed on November 1, 2007, the Staff of the Commission recommended that the Commission grant TCO a certificate of intrastate interexchange service authority. Staff recommended that the Commission grant TCO 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 December 1, 2007.

The Commission finds that competition in the intrastate interexchange telecommunications markets is in the public interest and TCO shall be granted a certificate of service authority. The Commission finds that the services TCO proposes to offer are competitive and TCO 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 TCO's new proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri-certificated interexchange carriers. The Commission finds that the proposed tariff filed on October 16, 2007 shall be approved to become effective on December 1, 2007.

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 non-attorneys may not represent the company before the Commission. Instead, it 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. TCO Network, 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. The certification granted herein is conditioned upon the company's compliance with the regulatory obligations in this order.
3. TCO Network, 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

4. The tariff filed by TCO Network, Inc. on October 16, 2007, as tariff number YX-2008-0241, is approved to become effective on December 1, 2007. The tariff approved is:

P.S.C. Mo. No. 1
Original Sheet Nos. 1-32

5. This order shall become effective on November 16, 2007.
6. This case may be closed on November 17, 2007.

BY THE COMMISSION



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, 2007.