

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

In the Matter of the Application of Toly Digital	)	
Networks, Inc. for Certificate of Service	)	
Authority to Provide Intrastate Interexchange	)	<b><u>Case No. XA-2006-0405</u></b>
Telecommunications Services within the	)	Tariff No. YX-2006-0786
State of Missouri and for Competitive	)	
Classification.	)	

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

Issue Date: May 22, 2006

Effective Date: May 29, 2006

**Syllabus:** This order grants Toly Digital Networks, Inc., a certificate of service authority to provide interexchange telecommunications services and approves the company's proposed tariff.

Toly Digital Networks, Inc., applied to the Public Service Commission on April 14, 2006, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 2000.<sup>1</sup> Toly Digital asked the Commission to classify it as a competitive company and waive certain statutes and rules as authorized by Sections 392.361 and 392.420. Toly Digital is a Florida corporation with its principal office located at 13901 U.S. Highway 1, Suite 1, Juno Beach, Florida 33408.

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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 April 18, 2006, directing parties wishing to intervene to file their requests by May 3, 2006. No requests for intervention were filed.

Toly Digital filed a proposed tariff in conjunction with its application and filed substitute sheets on May 12, 2006. The tariff's effective date is May 29, 2006. Toly Digital's tariff describes the rates, rules, and regulations it intends to use, identifies Toly Digital as a competitive company, and lists the waivers requested. Toly Digital intends to provide interexchange telecommunications services including wholesale long distance services.

In its Memorandum filed on May 18, 2006, the Staff of the Commission recommended that the Commission grant Toly Digital a certificate of service authority, competitive status, and waiver of the statutes and rules listed in the Notice. Staff recommended that the Commission approve the proposed tariff as amended to become effective on May 29, 2006.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest, and Toly Digital shall be granted a certificate of service authority. The Commission finds that the services Toly Digital proposes to offer are competitive, and Toly Digital 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 Toly Digital's proposed tariff details the services, equipment, and pricing it proposes to offer. The Commission finds that the proposed tariff filed on April 14, 2006, shall be approved as amended to become effective on May 29, 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 for a penalty of up to \$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.

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.

E) 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.

F) In addition, the company is reminded that Section 392.410.5, RSMo 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. Toly Digital Networks, 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. Toly Digital Networks, Inc., 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

4. The tariff filed by Toly Digital Networks, Inc. on April 14, 2006, under tariff number YX-2006-0786, is approved as amended to become effective on May 29, 2006.  
The tariff approved is:

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5. This order shall become effective on May 29, 2006.
6. This case may be closed on May 30, 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 )

Ronald D. Pridgin, Regulatory Law Judge,  
by delegation of authority pursuant  
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 22nd day of May, 2006.