

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Acceris Management)	
and Acquisition, LLC for a Certificate of Service Authority to)	
Provide Intrastate Interexchange Telecommunications)	<u>Case No. TA-2005-0507</u>
Services within the State of Missouri and for Competitive)	<u>Tariff No. YX-2005-1166</u>
Classification.)	

ORDER APPROVING INTEREXCHANGE AND NONSWITCHED
LOCAL EXCHANGE CERTIFICATES OF SERVICE AUTHORITY
AND ORDER APPROVING TARIFF

Issue Date: August 2, 2005

Effective Date: August 14, 2005

Acceris Management and Acquisition, LLC, applied to the Missouri Public Service Commission on June 30, 2005, for certificates of service authority to provide intrastate interexchange and nonswitched local exchange telecommunications services in Missouri under Sections 392.410, RSMo Supp. 2004, through 392.450, RSMo 2000.¹ Acceris asked the Commission to classify it as a competitive company and to waive certain statutes and rules as authorized by Sections 392.361 and 392.420. Acceris is a Minnesota corporation with its principal office located at 60 South Sixth Street, Suite 2535, Minneapolis, Minnesota 55402.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on July 5, 2005, directing parties wishing to intervene to file their requests by July 20, 2005. No requests for intervention were filed.

¹ All statutory references are to the Revised Statutes of Missouri (RSMo), revision of 2001, unless otherwise indicated.

Acceris filed a proposed tariff in conjunction with its application on July 20, 2005. The tariff's effective date is August 14, 2005. Acceris' tariff describes the rates, rules, and regulations it intends to use, identifies Acceris as a competitive company, and lists the waivers requested. Acceris intends to provide interexchange and nonswitched local exchange telecommunications services including intrastate, interexchange and local exchange telecommunications services limited to dedicated private line services. services.

In its memorandum filed on August 1, 2005, the Staff of the Commission recommended that the Commission grant Acceris a certificate of interexchange service authority, and a certificate of service authority for local exchange telecommunications services on condition that this authority be restricted to providing dedicated private line services. Staff recommended that the Commission grant Acceris competitive status and waiver of the statutes and rules listed in the Notice. Staff recommended that the Commission approve the proposed tariff to become effective on August 14, 2005.

The Commission finds that competition in the intrastate interexchange and nonswitched local exchange telecommunications markets is in the public interest and Acceris should be granted certificates of service authority. The Commission finds that the services Acceris proposes to offer are competitive and Acceris should 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 Acceris' proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated interexchange and nonswitched local exchange carriers. The

Commission finds that the proposed tariff filed on June 30, 2005, shall be approved as amended to become effective on August 14, 2005.

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, RSMo 2000. 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. 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, RSMo 2000.

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, RSMo 2000.

D) The obligation to keep the Commission informed of its current address and telephone number.

Furthermore, the company is reminded that, if it is a corporation, non-attorneys may not represent the company before the Commission. 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 Supp. 2004, 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 THEREFORE ORDERED:

1. That Acceris Management and Acquisition, LLC is granted a certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri, subject to the conditions of certification set out above.
2. That Acceris Management and Acquisition, LLC 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. That the certification granted herein is conditioned upon the company's compliance with the regulatory obligations in this order.
4. That Acceris Management and Acquisition, LLC 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

5. That the tariff filed by Acceris Management and Acquisition, LLC on June 30, 2005, under tariff number YX-2005-1166, is approved as amended to become effective on August 14, 2005. The tariff approved is:

Missouri PSC Tariff No. 1
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6. That this order shall become effective on August 14, 2005.
7. That this case may be closed on August 15, 2005..

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Kennard L. Jones, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 2nd day of August, 2005.