

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

In the Matter of the Joint Application of Acceris )  
Management and Acquisition LLC and First )  
Communications, LLC, for (i) Authority for First )  
Communications, LLC, to Provide Competitive )  
Resold Interexchange Telecommunications )  
Services Throughout the State of Missouri; and )  
(ii) Approval of the Transfer of Assets, Including )  
Customers, of Acceris Management and )  
Acquisition LLC to First Communications, LLC. )

**Case No. TA-2007-0067**  
Tariff No. JX-2007-0085

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

Issue Date: September 15, 2006

Effective Date: September 25, 2006

This order grants First Communications, LLC, a certificate of service authority to provide interexchange telecommunications services and approves the company's proposed tariff.

In conjunction with an application for approval of the transfer of assets, First Communications applied to the Public Service Commission on August 11, 2006, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 2000.<sup>1</sup> First Communications 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. First Communications is an Ohio privately

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<sup>1</sup> All statutory references are to the Revised Statutes of Missouri (RSMo), revision of 2000, unless otherwise indicated.

held limited liability company with its principal office located at 3340 West Market Street, Akron, Ohio 44333.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on August 16, 2006, directing parties wishing to intervene to file their requests by August 31, 2006. No requests for intervention were filed.

First Communications filed a proposed tariff in conjunction with its application and filed a substitute tariff on September 11, 2006.<sup>2</sup> The tariff's effective date is September 25, 2006. First Communications' tariff describes the rates, rules, and regulations it intends to use, identifies First Communications as a competitive company, and lists the waivers requested. First Communications intends to provide resold interLATA and intraLATA interexchange telecommunications services including Message Toll Service (MTS), travel card services, and toll-free services.

In its Memorandum filed on September 14, 2006, the Staff of the Commission recommended that the Commission grant First Communications 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 September 25, 2006.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and First Communications shall be granted a certificate of service authority. The Commission finds that the services First

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<sup>2</sup> First Communications also filed second revised tariff sheets on September 11, 2006, but withdrew those sheets.

Communications proposes to offer are competitive, and First Communications 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 First Communications' proposed tariff details the services, equipment, and pricing it proposes to offer. The Commission finds that the proposed tariff filed on August 11, 2006, shall be approved as amended to become effective on September 25, 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, 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. Instead, 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. 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. The Commission will address the application for transfer of assets in a separate order.

**IT IS ORDERED THAT:**

1. First Communications, LLC, 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. First Communications, 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 |

4. The tariff filed by First Communications, LLC on August 11, 2006, under Tariff File No. JX-2007-0085, is approved as amended to become effective on September 25, 2006. The tariff approved is:

**Missouri PSC Tariff No. 1**  
**Original Page No. 1 through Original Page No. 30**

5. This order shall become effective on September 25, 2006.

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

( S E A L )

Nancy Dippell, Deputy Chief Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 15th day of September, 2006.