

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

In the Matter of the Application of Giant)	
Communications, Inc. for Certificate of)	
Service Authority to Provide)	<u>File No. CA-2013-0492</u>
Interexchange and Non-Switched)	
Local Exchange Telecommunications)	
Service in the State of Missouri)	

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission and for its recommendation, states as follows:

1. On May 9, 2013, Giant Communications, Inc. (“the Company”) filed an application with the Missouri Public Service Commission seeking Certificate of Authority to Provide Non-switched Local and Interexchange Telecommunications Services in Portions of the State of Missouri and to Classify Such Services and the Company as Competitive.

2. The Application included sufficient information for the Staff to conclude that the Company possesses sufficient financial, technical and managerial resources to be certificated. In addition, the Staff notes that granting the requested waivers complies with §392.420 RSMo 2009.

3. In the attached Memorandum, the Staff recommends that the Commission grant the Company’s request for non-switched local and interexchange telecommunications service authority. The Commission shall grant an application for a

certificate of telecommunications service authority upon a finding that the grant of authority is in the public interest. §§ 392.430 and 392.440 RSMo 2000.

4. Staff also recommends that the Commission classify the Company's services as competitive. The Commission may classify a telecommunications provider or its services as competitive if the Commission determines it is subject to sufficient competition to justify a lesser degree of regulation and that such lesser regulation is consistent with the protection of ratepayers and promotes public interest. §392.361.4 RSMo Supp. 2009. A majority of the services a competitive company provides must be classified as competitive. §392.361.3 RSMo Supp. 2009.

5. The Staff further recommends that the Commission state in its order that, pursuant to §392.410, the authority conferred by the certificate of service authority shall be null and void unless it is exercised within one year of its issuance.

6. No tariffs were submitted with the application; the Company may rely on §392.461 RSMo and publish its rates, terms and conditions of service on its publically available web site or it may submit a tariff for approval by the Commission prior to providing service in Missouri.

7. The Applicant is not delinquent in filing an annual report, paying the PSC assessment, MoUSF, and Relay Missouri.

8. The Staff recommends that the application be granted with the following conditions:

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. 2009.

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.

9. The Staff recommends that the Commission grant the waivers listed below:

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
4 CSR 240-3.525 Applications to merge or consolidate
4 CSR 240-3.530 Applications to issue stocks, obtain loans
4 CSR 240-3.535 Applications to acquire stock
4 CSR 240-3.545(8)(C) Listing of Waivers in Tariff
4 CSR 240-3.550 Telco Records and Reports (except (5)(B), (D) and (E))
4 CSR 240-3.555 Residential Customer Inquiries
4 CSR 240-3.560 Procedure for Ceasing Operations
4 CSR 240-10.020 Depreciation Records
4 CSR 240-30.020 Residential Telephone Underground Systems
4 CSR 240-30.040 Uniform System of Accounts
4 CSR 240-32.010 General Provisions
4 CSR 240-32.040 Metering, Inspections and Tests
4 CSR 240-32.050 Customer Services
4 CSR 240-32.060 Engineering and Maintenance
4 CSR 240-32.070 Quality of Service
4 CSR 240-32.080 Service objectives and surveillance levels
4 CSR 240-32.090 Connection of equipment and Inside Wiring
4 CSR 240-32.100 Provision of Basic Local and Interexchange Services
4 CSR 240-32.130-170 Prepaid Calling Cards (except 32.140 and 32.150(1))
4 CSR 240-32.180-190 Caller ID blocking requirements
4 CSR 240-33.010 Service and Billing Practice General Provisions
4 CSR 240-33.040 Billing and Payment standards

- 4 CSR 240-33.045 Clear identification and placement of charges on bills
- 4 CSR 240-33.050 Deposits
- 4 CSR 240-33.060 Residential Customer Inquiries
- 4 CSR 240-33.070 Discontinuance of service
- 4 CSR 240-33.080 Disputes by Residential Customers
- 4 CSR 240-33.090 Settlement agreements with residential customers
- 4 CSR 240-33.130 Operator service requirements
- 4 CSR 240-33.140 Payphone requirements (except (2))
- 4 CSR 240-33.150 "Anti-slamming" requirements
- 4 CSR 240-33.160 Customer Proprietary Network Information

WHEREFORE, the Staff recommends that the Commission grant Giant Communications, Inc.'s Application for non-switched local and interexchange telecommunications service authority, classify the company and its services as competitive and grant the listed waivers.

Respectfully submitted,



Colleen M. Dale
Senior Counsel
Missouri Bar No. 31624
Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-4255 (Telephone)
cully.dale@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 6th day of June, 2013.

