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Robert W. Hedrick  
1918-1988

July 19, 2007

Secretary  
Missouri Public Service Commission  
200 Madison Street  
Jefferson City, MO 65101

Re: First Amended Application of Vistavox of MO, Inc. for Certificate of Service authority to  
Provide Basic Local Exchange Telecommunicaitons Service and For Competitive Classification

Dear Madam:

Please find enclosed the original and one copy of the above referenced Application.  
Please stamp one copy filed and return to this office for our records. Counsel has been served  
copies of this document on this date.

Sincerely,

  
Pamela Q. Henrickson

PQH:jkb

Enclosures

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the matter of the Application of	)	
Vistavox of MO, Inc. for a	)	
Certificate of Service Authority to	)	
Provide Basic Local Telecommunications	)	Case No. <u>CA-2007-0475</u>
Services in Portions of the State of	)	
Missouri and to Classify Said Services and	)	
The Company as Competitive.	)	

**FIRST AMENDED APPLICATION FOR CERTIFICATE OF SERVICE**  
**AUTHORITY TO PROVIDE BASIC LOCAL EXCHANGE**  
**TELECOMMUNICATIONS SERVICE AND**  
**FOR COMPETITIVE CLASSIFICATION**

Comes now Vistavox of MO, Inc., by its undersigned counsel, and hereby applies pursuant to Sections 392.361, 392.410, 392.420, and 392.430, 392.450 RSMo 2000, the Federal Telecommunications Act of 1996, 4 CSR 240-3.510 and 4 CSR 240-2.060, for authority to provide basic local telecommunications service in portions of the State of Missouri and to classify said service and company as competitive. In support of its application Vistavox of MO, Inc. states as follows:

1. Applicant, Vistavox of MO, Inc., is a corporation duly organized and existing under and by virtue of the laws of the State of Missouri and is a corporation in good standing authorized to do business in the State of Missouri. The applicant's Certificate of Incorporation issued by the Missouri Secretary of State is attached hereby as **Exhibit A** and Applicant's Certification of Good Standing is attached hereto as **Exhibit B**.

2. Vistavox of MO, Inc., does not have any pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involves customer service or rates, which action, judgment or decision has occurred within 3 years of the date of application.

3. All inquiries, correspondence, communications, pleadings, notices, orders and decisions relating to this case should be addressed to:

Paul H. Gardner  
Pamela Q. Henrickson  
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131 East High Street  
Jefferson City, Missouri 65101  
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Name: Nickie Mitchell  
Title: Operations Manager  
Office: 713-542-1913  
Email: Nickie.Mitchell@nsn-wireless.net

Business Mailing Address:  
Vistavox of MO, Inc.  
c/o Michael Dennenberg  
5239 Braesvalley Drive  
Houston, TX 77096

Business Street Address:  
Vistavox of MO, Inc.  
723 Main Street. Ste. 1005  
Houston, TX 77002

4. Vistavox of MO, Inc., proposes to provide basic local exchange telecommunications services on a facilities and resold basis, throughout all exchanges currently served by the incumbent local exchange telecommunications companies of Southwestern Bell Telephone, L.P. d/b/a AT&T Missouri, CenturyTel of Missouri, LLC d/b/a Centurytel and Spectra Communications Group, LLC d/b/a CenturyTel. The specific AT&T, Centurytel and Spectra exchanges within which Vistavox of MO, Inc., proposes to offer service are listed in the incumbent providers respective local exchange tariffs. Vistavox of MO, Inc., may seek authority to provide this service in other areas of the state in a subsequent proceeding.

5. Pursuant to this application Vistavox of MO, Inc. seeks to offer and provide all forms of basic local telecommunications service, including: POTS (Plain Old Telephone Service) to business and residential, ADSL to business and residential, ISDN to business and residential, HDSL to business,

SDSL to business, T1-Private Line to business, Switch 56 KBPS (KiloBits Per Second) to business, Frame Relay to business, Fractional T1 to business and residential and Domestic and International Long Distance to business and residential.

6. Vistavox of MO, Inc., possesses the technical and managerial expertise and experience necessary to provide the services it proposes. Description of backgrounds of Vistavox of MO, Inc.'s management, which demonstrate the extensive experience and expertise are attached hereto and incorporated herein by reference as **Exhibit 'C'**. Vistavox of MO, Inc. also possesses the necessary financial resources as set forth in attached **Exhibit D**. The statements contained in this Application are supported by the Affidavit of Shannon Hughes attached as **Exhibit E**.

7. Vistavox of MO, Inc., seeks classification of itself and its services as competitive.

8. Vistavox of MO, Inc., will offer basic local telecommunications service as a separate and distinct service in accordance with applicable law. Vistavox of MO, Inc. will give consideration to equitable access for all Missourians, regardless of where they might reside or their income, to affordable telecommunications services in Vistavox of MO, Inc.'s proposed service areas in accordance with applicable law.

9. Vistavox of MO, Inc., is willing to comply with all applicable Commission rules and is willing to meet all relevant service standards, including, but not limited to billing, quality of service, and tariff filing and maintenance in a manner consistent with the Commission's requirements for incumbent local exchange carriers with whom Vistavox of MO, Inc., seeks authority to compete. Additionally, Vistavox of MO, Inc., agrees that pursuant to Section 392.455(3) & (4) RSMo 2000, its service area shall be no smaller than an exchange. Consistent with the Commission's treatment of other certificated competitive local exchange telecommunications companies, Vistavox of MO, Inc., requests waiver of

the following statutes and regulations for Vistavox of MO, Inc. and its basic local exchange services offerings.

Statutes	Missouri Public Service Commission Rules
392.210.2 RSMo	4CSR 240-10.020
392.240.1 RSMo	4 CSR 240.30.040
392.270 RSMo	4 CSR 240.3.550(5)(C)
392.280 RSMo	
392.290 RSMo	
392.300.2 RSMo	
392.310 RSMo	
392.320 RSMo	
392.330 RSMo	
392.340 RSMo	

10. Vistavox of MO, Inc. further requests a temporary waiver of 4 CSR 240-3.510(1)(C). This rule requires that an application for a certificate of service authority to provide basic local exchange services shall include a proposed tariff with a forty-five day effective date. Vistavox of MO, Inc. finds it impossible at this time to develop tariffs to fully comply with this rule since Vistavox of MO, Inc. has not yet executed or received Commission approval of any interconnection and/or resale agreements with incumbent local exchange carrier(s). At such time as all facts necessary for the development of such tariffs are known to Vistavox of MO, Inc, it will promptly file said tariffs bearing no less than a 45 day effective date with the Commission in a manner consistent with the Commission's practice in similar cases. In any circumstance, applicant will file its proposed basic local exchange telecommunications service tariff no later than 30 days after Commission approval of applicant's interconnection and/or resale agreement.

11. Vistavox of MO, Inc. submits that the public interest will be served by Commission approval of this application because the proposed services will create and enhance competition and expand customer service options consistent with the legislative goals set forth in the federal Telecommunications Act of 1996 and Chapter 392 RSMo. Prompt approval of this application also will expand the availability of innovative, high quality, and reliable telecommunications services within the state of Missouri.

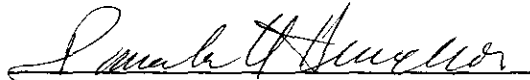
12. Vistavox of MO, Inc., submits that notwithstanding the provisions of Section 392.500 RSMo., as a condition of certification and competitive classification, Vistavox of MO, Inc., agrees that, unless otherwise ordered by the Commission, the originating and terminating switched exchange access rates of Vistavox of MO, Inc. will be no greater than the lowest Commission-approved corresponding access rates in effect for each ILEC within those service areas where Vistavox of MO, Inc., seeks authority to provide service. Additionally, pursuant to the Commission's Report and Order in Case No. TO-99-596, Vistavox of MO, Inc., agrees that if the ILEC in whose service area Vistavox of MO, Inc., is operating decreases its originating and/or terminating access rates, Vistavox of MO, Inc. shall file an appropriate tariff amendment to reduce its originating and/or terminating access rates within thirty (30) days of the ILEC's reduction of its originating and/or terminating access rates in order to maintain the cap on switched exchange access rates.

13. There are no annual reports or assessment fees overdue.

14. Applicant hereby incorporates by reference the Exhibits attached to the original application.

WHEREFORE, Applicant Vistavox of MO, Inc., respectfully requests that the Commission grant it a certificate of service authority to provide basic local telecommunications services as herein requested, classify Vistavox of MO, Inc. and its proposed services as competitive, and grant a waiver of the aforesaid statutes and regulations as requested in this Application.

Respectfully submitted,



**Pamela Q. Henrickson, MO Bar #31450**

**Paul H. Gardner, MO Bar #28159**

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ATTORNEY FOR VISTAVOX OF MO, INC.

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing FIRST AMENDED APPLICATION FOR CERTIFICATE OF SERVICE AUTHORITY TO PROVIDE BASIC LOCAL EXCHANGE TELECOMMUNICATIONS SERVICE AND FOR COMPETITIVE CLASSIFICATION has been hand-delivered or e-mailed this 19<sup>th</sup> day of July, 2007.

Kevin Thompson, General Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

Lewis Mills  
Office of the Public Counsel  
P.O. Box 7800  
Jefferson City, MO 65101



**Pamela Q. Henrickson**