

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No.: **CA-2005-0353** File No.: **YC-2005-0869**
Applicant: **Missouri Network Alliance, L.L.C. (MNA)**

From: Arthur P. Kuss
Telecommunications Department
William L. Voight 05/12/05 /s/ Marc Poston 5/13/05
Utility Operations Division/Date General Counsel's Office/Date

Subject: Staff Recommendation for approval of Certificate to Provide Service

Date: May 12, 2005 **Filing Deadline:** May 13, 2005

The Telecommunications Department Staff (Staff) recommends the applicant be granted the following certificate(s), as indicated below, to be effective on the same date the tariff becomes effective:

- Certificate to provide basic local exchange telecommunications services. Granting the certificate should be based on the following conditions:
 1. The applicant's originating and terminating access rates will be no greater than the lowest Commission approved corresponding access rates in effect for each ILEC within whose service area the applicant seeks authority to provide service, unless authorized by the Commission pursuant to Sections 392.220 and 392.230 RSMo.
 2. The certificate and service classification for switched access service is conditioned on the continued applicability of Section 392.200 RSMo, and the requirement that any increases in switched access services rates above the maximum switched access service rates set forth herein shall be made pursuant to Sections 392.220 and 392.230 RSMo, and not Sections 392.500 and 392.510 RSMo.
 3. 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.
- The Company is not delinquent in filing an annual report or paying the PSC assessment.
- The Company is delinquent. Staff recommends the Commission grant the requested relief/action on the condition the applicant corrects the delinquency. The applicant should be instructed to make the appropriate filing in this case after it has corrected the delinquency.
- No annual report. Unpaid PSC assessment. Amount owed: _____

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- Applicant has filed a proposed tariff per 4 CSR 240-3.545 for basic local service with an effective date not fewer than 45 days from the issue date. The applicant cannot lawfully provide service until tariffs are effective.
- Certificate to provide Interexchange telecommunications services.
- Certificate to provide local exchange telecommunications services.*
*Local exchange authority should be restricted to dedicated, private line services.
- No objection to tariff taking effect: Missouri P.S.C. Tariff No. 2 Effective Date: May 20, 2005

Staff recommends the applicant and its services receive competitive classification. In addition, Staff recommends approval of the waivers listed in the Notice.

- There is an attachment to this recommendation.

Review Items for IXC, Non-switched Local and CLEC Certificate Applications:*(As required by 4 CSR 240-2.060):*

- Proper Secretary of State authorization.
- Statement of character of business performed.
- Statement declaring no pending action or final unsatisfied judgments.
- Statement declaring no overdue annual reports or assessment fees.
- Application includes an affidavit.
- The applicant is requesting waivers of rules or statutes previously granted to a competitively classified company.

(As required by RSMo 392.430/.440):

- Application shows that grant of authority is in the public interest.

Additional Review Items for CLEC Certificate Applications:*(As required by RSMo 392.455):*

- Possesses sufficient technical, financial and managerial resources and abilities.
- Identifies geographic area (no smaller than an exchange).
- Statement that applicant will offer basic local service as a separate and distinct service.
- Statement that applicant will give equitable access to all Missourians.

Tariff Review Items (applicable for all competitively classified companies):

- Properly formatted:
(Company name, PSC MO No., Page #, Page revision #, proposed effective date).
- Identifies competitive classification.
- Identifies waivers granted - see note below.
- ICB pricing, if proposed, limited for private line, special access or Centrex-like services [RSMo 392.200(8)].
- Proposed rates do not establish geographic deaveraged rates (if not checked, explain in attachment) [RSMo 392.200(4)].
- If an alternative operator service provider (receives more than 40% of revenues from traffic aggregators) operator service rates do not exceed: Person-to-Person (\$12.50), Station-to-Station/card (\$7.50) [RSMo 392.515(1)].

Tariff Review Items (applicable only for CLECs):

- Interconnection agreement approved (if not checked, explain in notes below).
- Tariff clearly indicates areas offering local service [RSMo 392.455(3)]. Tariff identifies by exchange the areas where it offers basic local telecommunications service.
- Tariff offers local service as a separate and distinct service [RSMo 392.455(4)].
- Switched access rates capped at ILEC's rates.

Attachment:

1. MNA is currently certificated as a competitive Interexchange Carrier (IXC).
2. MNA has erroneously requested a waiver of obsolete rule 4 CSR 240-32.030 (4)(C) in its Application, but has correctly requested waiver of the current rule 4 CSR 240-3.550(5)(C) in its tariff, relevant to providing exchange boundary maps. The Application states that MNA will comply with applicable PSC rules.
3. With this filing, MNA is applying for approval to provide basic local service in those telephone exchanges in which the Incumbent Local Exchange Carriers (ILEC) are Southwestern Bell Telephone, L.P., d/b/a SBC Missouri (SBC Missouri), Sprint Missouri Inc. d/b/a Sprint (Sprint), and CenturyTel of Missouri, LLC (CenturyTel Mo).
4. The Application states that MNA will offer basic local telecommunications service as a separate and distinct service.
5. MNA's proposed local exchange tariff does not reflect the offering of basic local telephone service. MNA's proposed tariff does not list rates for basic local telecommunications service or any associated features.