

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

In the matter of the Application of )  
Kentucky Data Link, Inc. for a Certificate )  
of Service Authority to Provide Basic )  
Local Telecommunications Services in )  
Portions of the State of Missouri and to )  
Classify Said Services and the Company )  
as Competitive. )

Case No. CA-2006-0460

**STAFF RECOMMENDATION**

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff) and  
for its recommendation states:

1. In the attached Memorandum, labeled Appendix A, the Staff recommends that the Missouri Public Service Commission (Commission) grant Kentucky Data Link, Inc. (Applicant) the requested certificate to provide basic local exchange telecommunications service in the service areas of Southwestern Bell Telephone L.P. d/b/a/ AT&T Missouri, Embarq, CenturyTel, and Spectra conditioned upon certain access rate provisions. 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. Sections 392.430, 392.440 and 392.450 RSMo. (2000).

2. Staff further recommends that the Commission classify the Applicant and its 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.” Section 392.361.2 RSMo (2000). All services provided by a competitive company must be classified as competitive. Section 362.361.3 RSMo (2000).

3. Staff recommends that the Commission approve the waivers listed in the Notice of Applications. The Commission may waive the application of its rules and certain statutes if the Commission determines that waiver is consistent with the purposes of Chapter 392. Sections 392.185, 392.361.5 and 392.420.

4. No tariff was submitted with the application. While no tariff filing is required at this time, Staff notes that pursuant to 4 C.S.R. 240-3.510(1)(C), the Applicant cannot lawfully provide service until tariffs are effective.

**WHEREFORE**, Staff recommends that the Commission grant Kentucky Data Link, Inc. a certificate to provide basic local exchange telecommunications services throughout all exchanges served by AT&T Missouri, Embarq, CenturyTel, and Spectra contingent upon the listed conditions; and approve the waivers listed in the Notice of Applications.

Respectfully submitted,

/s/ Jennifer Heintz\_\_\_\_\_

Jennifer Heintz

Assistant General Counsel

Missouri Bar No. 57128

Attorney for the Staff of the

Missouri Public Service Commission

PO Box 360

Jefferson City, MO 65102

(573) 751-8701 (Telephone)

(573) 751-9285 (Fax)

[jennifer.heintz@psc.mo.gov](mailto:jennifer.heintz@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 31<sup>st</sup> day of August 2006.

/s/ Jennifer Heintz\_\_\_\_\_