

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

In the Matter of the Application of)	
BCN Telecom, Inc. for a Certificate of Service)	
Authority to Provide Basic Local)	File No. TA-2014-0345
Telecommunications Services in the State of)	Tariff Tracking No. YC-2014-0493
Missouri and for Competitive Classification.)	
)	

AMENDED APPLICATION

COMES NOW BCN Telecom, Inc. ("BCN" or "Applicant"), by and through its undersigned counsel, and pursuant to sections 392.361, 392.410, 392.420, 392.430, 392.440, 392.450 and 392.455, RSMo, the Federal Telecommunications Act of 1996, and 4 CSR 240-2.060 and 4 CSR 240-3.510, files this verified Amended Application requesting that the Missouri Public Service Commission (hereinafter, "the Commission") issue an order that:

- (a) grants Applicant certificate of service authority to provide basic local exchange telecommunications services, pursuant to Chapter 392 RSMo;
- (b) grants competitive status to Applicant and Applicant's requested services; and
- (c) waives certain Commission rules and statutory provisions pursuant to Sections 392.420, 392.361 and 392.245.5(8), RSMo, consistent with the Commission's past treatment of other certificated providers of competitive basic local exchange telecommunications services.

In support of its Application, Applicant states as follows:

1. Applicant BCN Telecom, Inc. is a limited liability company organized and existing under the laws of the State of New Jersey and is a wholly owned subsidiary of Telecom Acquisition Company, L.L.C. The nature of Applicant's business is the provision of telecommunications services. Applicant is duly authorized to transact business in the State of Missouri. A copy of Applicant's Certificate of Good Standing from the Missouri Secretary of State, as required by 4 CSR 240-2.060(1)(C), is attached

to this Application as **Appendix A**. Applicant's principal place of business is:

BCN Telecom, Inc.
550 Hills Drive, Suite 110, 1st Floor
Bedminster, NJ 07921
Telephone: (908) 470-4700
Toll-Free: (800) 768-2852
Fax: (908) 470-4707

Applicant BCN is authorized to provide non-switched local exchange and interexchange services in Missouri by virtue of the certification of NUI Telecom, Inc. NUI was initially granted certificate of service authority by the Commission to provide interexchange and non-switched local exchange telecommunications services in Case No. TA-2002-292, in an *Order Approving Interexchange and Nonswitched Local Exchange Certificate of Service Authority and Order Approving Tariff* dated January 24, 2002 (effective February 2, 2002). NUI changed its name to BCN in Case No. XN-2004-0611.

2. All communications, notices, orders and decisions respecting this Application and proceeding should be addressed to:

William D. Steinmeier
William D. Steinmeier, P.C.
2031 Tower Drive
Jefferson City, Missouri 65109
Tel: (573) 659-8672
Fax: (573) 636-2305
Email: wds@wdspsc.com

Patrick D. Crocker
Crocker & Crocker
The Kalamazoo Building
107 W. Michigan Avenue, 4th Floor
Kalamazoo, Michigan 49007-4752
Tel: (269) 381-8893
Fax: (269) 381-4855
Email: patrick@crockerlawfirm.com

3. Questions concerning Applicant's ongoing operations should be directed to Mr. Crocker at the above address and phone number. Questions regarding Applicant's proposed tariff should be directed to Mr. Steinmeier.

4. By this Application, Applicant seeks authority to offer and provide basic local exchange telecommunications service on a facilities-based and resold basis to business customers throughout all exchanges in the state of Missouri of all incumbent

local exchange companies (ILECs). The exchanges in which BCN seeks authority are listed in the approved tariffs of the ILECs, and are listed in Applicant's basic local exchange services tariff.

5. Applicant possesses the technical and managerial resources and abilities necessary to provide the services it proposes as required by Section 392.455(1) RSMo. The background and experience of Applicant's management is attached hereto as **Appendix B**.

6. Applicant possesses the necessary financial resources and abilities to provide the services it proposes as required by Section 392.455(1) RSMo Supp. 1997 and has the necessary capital to conduct its proposed operations in Missouri. Attached to this Amended Application as **Appendix C** is the affidavit of a corporate officer attesting to the resources and abilities of Applicant.

7. Pursuant to this Application, Applicant also seeks classification of itself and its new basic local telecommunications service offerings as competitive, with accompanying reduced regulation pursuant to Sections 392.361 and 392.245.5(8), RSMo and 4 CSR 240-3.510(1)(A). Applicant believes that its proposed services will be subject to sufficient competition to justify a lesser degree of regulation and that granting this request will allow greater price and service options for telephone users.

8. Applicant agrees that, pursuant to Section 392.455(3) and (4), RSMo, its service area will follow exchange boundaries of the incumbent local exchange telecommunications company(ies) and will be no smaller than an exchange, and its basic local exchange service will be offered as a separate and distinct service. Applicant will give consideration to equitable access for all customers in Missouri, without regard to their income or where they might reside, to affordable telecommunications services in

Applicant's proposed service areas in accordance with Section 392.455(5) RSMo.

9. Applicant is willing to comply with all applicable Commission rules. Consistent with the Commission's treatment of other certificated competitive local exchange telecommunications companies, Applicant requests that the Commission grant Staff's recommended waivers of statutes and regulations.

10. Pursuant to 4 CSR 240-3.510(1) (C), Applicant has filed a basic local exchange services tariff (Missouri Tariff No. 2) with a 45-day effective date. Applicant requests Commission approval of this proposed tariff.

11. Applicant states that there are no pending actions or final unsatisfied judgments or decisions against it in any state, federal agency, or court which involve customer service or rates for which action, judgment, or decision has occurred within three (3) years of the date of this Application.

12. Applicant hereby affirms that the Company does not have any overdue annual reports or fees owed to the Missouri Public Service Commission.

13. Applicant submits that the public interest will be served by Commission approval of this Application because Applicant's proposed services will create and enhance competition and expand customer service options, consistent with the legislative goals set forth in the 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.

WHEREFORE, Applicant BCN Telecom, Inc. respectfully requests that the Commission grant it a certificate of service authority to provide basic local telecommunications service as herein requested, classify Applicant and its proposed services as competitive, grant the waivers of statutes and regulations recommended by Staff and approve the tariff filed in this matter.

Respectfully submitted,

/s/ William D. Steinmeier

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ATTORNEY FOR APPLICANT
BCN TELECOM, INC.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Amended Application has been served electronically on the General Counsel's Office and the Office of the Public Counsel this 30th day of May, 2014.

/s/ William D. Steinmeier

William D. Steinmeier

VERIFICATION

(Filed as a separate pdf document)

APPENDIX A

**Certificate of Good Standing
Missouri Secretary of State**

(filed as a separate pdf document)

APPENDIX B

Background and Experience of Key Management

(filed as a separate pdf document)

APPENDIX C

Affidavit Concerning Resources and Abilities

(To be late-filed as a separate pdf document)