

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

In the Matter of the Application of Aurora Communications )  
for a Certificate of Service Authority to Provide Basic Local )  
Telecommunications Services in Portions of the State of ) **Case No. CA-2007-0175**  
Missouri and to Classify Said Services and the Company )  
as Competitive )

**ORDER GRANTING CERTIFICATE TO PROVIDE**  
**BASIC LOCAL TELECOMMUNICATIONS SERVICES**

Issue Date: January 22, 2007

Effective Date: February 1, 2007

This order grants a certificate of service authority to provide basic local telecommunications services in the state of Missouri, classifies those services and the company as competitive, and waives certain statutes and regulations.

On November 1, 2006,<sup>1</sup> Aurora Communications, Inc. applied for a certificate of service authority to provide basic local exchange telecommunications services within the state of Missouri, and for competitive classification. After amending its application on November 15, the company sought certification to provide basic local service in portions of Missouri that are currently being served by Southwestern Bell Telephone, L.P., d/b/a AT&T Missouri, CenturyTel of Missouri L.L.C, and Windstream Missouri, Inc. Aurora is a Missouri corporation and is authorized to do business in Missouri by the Missouri Secretary of State.

---

<sup>1</sup> All dates throughout this order refer to the year 2006 unless otherwise noted.

On November 21, following the filing of Aurora's amended application, the Commission issued its Notice of Applications, establishing a 15-day deadline for intervention. No applications to intervene were received. On January 10, 2007, the Staff of the Commission recommended that the requested certificate, classification, and waivers be granted, subject to conditions.

The Commission may grant an application for a certificate of service authority to provide telecommunications service upon a showing that the applicant has met the statutory requirements, including relevant service standards,<sup>2</sup> and that the grant of authority is in the public interest.<sup>3</sup> Based on the verified application, including Aurora's stated commitment to comply with all applicable rules, as well as Staff's uncontested recommendation, the Commission finds that Aurora satisfies the requirements for certification and that granting such certificate is in the public interest.

Aurora also requests that it and its services be classified as competitive and that the application of certain statutes and regulatory rules be waived. The Commission may classify a telecommunications service as competitive if the Commission determines that the applicant is subject to a sufficient degree of competition to justify a lesser degree of regulation.<sup>4</sup> The Commission may only classify a telecommunications carrier as competitive if all of its services are so classified.<sup>5</sup> The Commission may waive the

---

<sup>2</sup> See Sections 392.450, 392.451 and 392.455, RSMo 2000. All statutory references, unless otherwise specified, are to the Revised Statutes of Missouri (RSMo), revision of 2000.

<sup>3</sup> Sections 392.430 and 392.440.

<sup>4</sup> Section 392.361.2.

<sup>5</sup> Section 392.361.3.

application of certain statutes and of its rules to a competitive carrier if it determines that such waiver is consistent with the purposes of Chapter 392.<sup>6</sup>

The Commission finds that Aurora will compete with incumbent local exchange carriers, as well as other competitive local exchange carriers, in the exchanges in which it provides basic local telecommunications service. The Commission finds that Aurora will be subject to a sufficient level of competition to justify a lesser degree of regulation. Furthermore, all of the services Aurora will offer are qualified for classification as competitive services.

The Commission may waive certain statutes and administrative rules for competitively classified carriers “if such waiver or modification is otherwise consistent with the other provisions of Section 392.361 to 392.520 and the purposes of this chapter.”<sup>7</sup> The Commission has developed a standard list of statutes and regulations that it waives for competitive local exchange carriers. The Commission finds that the waiver of those statutes and regulation is consistent with the purposes of Chapter 392, and will waive those provisions for Aurora.

The Commission may also require a telecommunications company to comply with any conditions reasonably necessary to protect the public interest. Staff recommends that Aurora’s application be granted subject to certain restrictions regarding switched access rates, and in addition, that Aurora’s certificate to provide basic local exchange telecommunications service in the service area of Windstream Missouri, Inc. be conditioned on compliance with Section 392.451. These conditions are routinely recommended by

---

<sup>6</sup> See Sections 392.185, 392.361.3 and 392.420.

<sup>7</sup> Sections 392.361.5 and 392.420.

Staff and Aurora accepted them in its application. The conditions proposed by Staff are necessary to protect the public interest and will be adopted.

The Commission places Aurora on notice that failure to comply with certain obligations pursuant to law may result in penalties assessed against the company. These obligations include, but are not limited to, the following:

- A) The obligation to file an annual report, as established by Section 392.210, RSMo 2000. Failure to comply with this obligation will make the utility liable for a penalty of \$100 per day for each day that the violation continues. Rule 4 CSR 240-3.540 requires telecommunications utilities to file their annual report on or before April 15 of each year.
- B) The obligation to pay an annual assessment fee established by the Commission, as required by Section 386.370, RSMo 2000.
- C) The obligation to comply with all relevant laws and regulations, as well as orders issued by the Commission. If the company fails to comply it is subject to penalties for noncompliance ranging from \$100 to \$2,000 per day for each offense, under Section 386.570, RSMo 2000.
- D) The obligation to keep the Commission informed of its current address and telephone number.

The company is reminded that its officers may not represent it before the Commission. The company must be represented by an attorney licensed to practice law in Missouri.

In addition, Section 392.410.5, RSMo Cum. Supp. 2005, provides that the company's certificate of service authority becomes null and void one year from the date of this order unless the company has exercised its authority under that certificate.

The Commission notes that before providing telecommunications services in Missouri, a party shall possess the following: (1) an interconnection agreement approved by the Commission; (2) except for wireless providers, a certificate of service authority from the Commission to provide interexchange or basic local telecommunications services; and (3) except for wireless providers, a tariff approved by the Commission.

Aurora did not file a proposed tariff as part of its application. The Commission's regulations do not require that such a tariff be filed along with an application for a certificate, but Aurora is reminded that it cannot provide service in Missouri until its tariff is approved by this Commission.

**IT IS ORDERED THAT:**

1. Aurora Communications, Inc. is granted a certificate of service authority to provide basic local telecommunications services in the exchanges of Southwestern Bell Telephone, L.P., d/b/a AT&T Missouri, CenturyTel of Missouri L.L.C; and Windstream Missouri, Inc., subject to the conditions and recommendations contained in the Staff's Memorandum.
2. Aurora Communications, Inc. and the services it offers are classified as competitive.
3. Aurora Communications, Inc.'s originating and terminating access rates will be no greater than the lowest Commission-approved corresponding access rates in effect for each incumbent local exchange carrier within whose service area Aurora

Communications, Inc. seeks authority to provide service, unless authorized by the Commission pursuant to Section 392.220 and 392.230, RSMo.

4. The certificates and competitive service classification for switched exchange access are granted conditioned on the continued applicability of Section 392.200, RSMo, and the requirement that any increase in switched access service rates above the maximum switched access service rates set forth herein shall be made pursuant to Section 392.200 and 392.230, RSMo, and not Section 392.500 and 392.510, RSMo.

5. If the directly competing incumbent local exchange carrier, in whose service area Aurora Communications, Inc. is operating, decreases its originating or terminating access service rates, Aurora Communications, Inc. shall file an appropriate tariff amendment to reduce its originating or terminating access rates in the directly competing incumbent local exchange carrier's service area within 30 days of the directly competing incumbent local exchange carrier's reduction of its originating or terminating access rates in order to maintain the cap.

6. In addition to the other conditions imposed, Aurora Communications, Inc.'s certificate to provide basic local exchange telecommunications service in the service area of Windstream Missouri, Inc. shall be conditioned on Aurora Communications, Inc.'s compliance with Section 392.451, RSMo 2000.

7. Application of the following statutes and Commission rules is waived:

**Statutes**

- 392.210.2 - uniform system of accounts
- 392.240.1 - rates-rentals-service & physical connections
- 392.270 - valuation of property (ratemaking)
- 392.280 - depreciation accounts
- 392.290 - issuance of securities
- 392.300.2 - acquisition of stock
- 392.310 - stock and debt issuance

- 392.320 - stock dividend payment
- 392.330 - issuance of securities, debts and notes
- 392.340 - reorganization(s)

**Commission Rules**

- 4 CSR 240-3.550(5)(C) - exchange boundary map
- 4 CSR 240-10.020 - depreciation fund income
- 4 CSR 240-30.040 - uniform system of accounts

8. The certification granted herein is conditioned upon the company's compliance with the regulatory obligations set out in this order.

9. Aurora Communications, Inc. is advised that the grant of authority contained in this order may not, by itself, be sufficient to permit it to lawfully provide telecommunications services in Missouri. Specifically, Aurora Communications, Inc. cannot lawfully provide telecommunications services until it has a tariff in effect for such services. When Aurora Communications, Inc. submits such a tariff, it shall do so by filing a non-case tariff submission. The tariff submission shall not be filed in this case.

10. This order and Aurora Communications, Inc.'s certificate shall become effective on February 1, 2007.

11. This case shall be closed on February 2, 2007.

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

( S E A L )

Harold Stearley, Regulatory Law Judge,  
by delegation of authority pursuant  
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 22nd day of January, 2007.