

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

In the Matter of the Application of Nexus     )  
Communications, Inc. d/b/a TSI for            )  
Designation as a Carrier Eligible for         )  
Universal Service Support pursuant to         )  
Section 254 of the Telecommunications         )  
Act of 1996.   )

Case No. CA-2006-0282

**STAFF’S REPLY TO THE OFFICE OF THE PUBLIC COUNSEL’S  
MOTION TO DISMISS AND MOTION FOR AN EVIDENTIARY HEARING**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and in response to the Office of the Public Counsel’s (OPC) Motion to Dismiss and alternative Motion for Evidentiary Hearing, states:

1. On December 30, 2005, Nexus Communications, Inc. d/b/a TSI (“Nexus”) filed an application for designation as an eligible telecommunications carrier (“ETC”) for federal lifeline and linkup universal service support under the provisions of 47 CFR 54.201(d).

2. On January 27, 2006, the OPC filed a motion to dismiss the Application on the basis of Nexus’ blocking customer access to “long-distance, toll, third-number billed calls, incoming collect calls and local or long distance operator services, including local and long distance directory assistance.” OPC states that Nexus is ineligible for ETC designation based on the limited services it offers under its tariff.

3. Nexus’ Application states that Nexus satisfies the requirements for designation as an ETC, including the requirement that Nexus offers all of the supported services enumerated under Section 254(c) and 47 CFR 54.101(a)(1)-(9). However, it does not appear to Staff from Nexus’ tariff that Nexus is currently providing access to interexchange service, or offering access

to operator services and directory assistance services. Attached to this Reply and labeled “Attachment A” is a copy of a page from Nexus’ tariff, PSC MO NO. 1, Original Page 18, effective March 12, 2004. This page describes Nexus’ basic local service offering under Section 4.1.1, and does not include access to operator services or access to directory assistance. Furthermore, this Section specifically states that the following calls will be blocked by Nexus through the incumbent local exchange carrier’s switch: “intraLATA, interstate, and international (e.g. “1+” or “0+”); collect calls; operator-assisted calls; third number billed calls; or any service that may be billed to [the] Customer’s telephone number (e.g. “900” and “976” calls).”

4. The Staff concurs with the OPC’s request for an evidentiary hearing to determine whether Nexus provides the services required under 47 CFR 54.101(a), and to otherwise help the Commission determine whether Nexus’ request for ETC designation should be granted.

WHEREFORE, the Staff respectfully offers this reply to the Office of the Public Counsel’s Motion to Dismiss and alternative Motion for an Evidentiary Hearing.

Respectfully submitted,

**/s/ Marc Poston**

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### **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 6<sup>th</sup> day of February 2006.

**/s/ Marc Poston**

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## SECTION 4 - SERVICE DESCRIPTIONS AND RATES

### 4.1 Description of Service

The Company's Local Exchange Service enables Customer to:

- Place or receive calls to any calling Station in the local calling area, as defined herein;
- Access basic 911 Emergency Service if available in Customer's area;
- Where available, place or receive calls to toll free 8XX telephone numbers.

The Company's service cannot be used to originate calls to other telephone companies' caller-paid information services (e.g., 900, 976).

#### 4.1.1 Basic Local Service

Basic Local Service is a service that is available for access by subscribers on a full time basis. Basic Local Service provides Customer with a single, voice-grade communications channel and access to unlimited local calls, "911" and/or "E 911" calls, if available in the Customer's area, and toll free (e.g. "800" or "888") calls.

Basic Local Service does not include any long distance service or other toll services. The following types of calls and services will be blocked by the Company through the ILEC's switch: interLATA, intraLATA, interstate, and international (e.g. "1+" or "0+"); collect calls; operator-assisted calls; third number billed calls; or any service that may be billed to Customer's telephone number (e.g. "900" and "976" calls).

#### 4.1.2 Service Area

Where facilities are available, the Company's service area incorporates the geographic regions and exchanges currently served by incumbent local exchange carriers, including Southwestern Bell Telephone, L.P., d/b/a SBC Missouri (SBC); Sprint Missouri, Inc. (Sprint); CenturyTel of Missouri, LLC (CenturyTel), and Spectra Communications Group, LLC (Spectra).

#### 4.1.3 Local Calling Area

Local calling areas will be identical to the local calling areas of the incumbent local exchange carriers from which the Company purchases services, as those local calls areas are defined in the tariffs of the incumbent local exchange carrier that have been filed with the Commission.