

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Wholesale Carrier)
Services, Inc. for a Certificate of Service Authority to)
Provide Resold and Facilities-Based/UNE Basic Local)
Telecommunications Services in Portions of the State of) **Case No. CA-2008-0253**
Missouri and to Classify Such Services and the Company)
as Competitive)

ORDER APPROVING BASIC LOCAL EXCHANGE CERTIFICATE OF
SERVICE AUTHORITY

Issue Date: March 26, 2008

Effective Date: April 5, 2008

Syllabus: This order grants Wholesale Carrier Services, Inc. (“WCS”) a certificate of service authority to provide basic local exchange telecommunications service throughout all exchanges currently served by Southwestern Bell Telephone, L.P. d/b/a AT&T Missouri (“AT&T”); Embarq Missouri, Inc. d/b/a Embarq (“Embarq”); CenturyTel of Missouri, LLC d/b/a CenturyTel (“CenturyTel”); and Spectra Communications Group, LLC d/b/a CenturyTel (“Spectra”).

On February 1, 2008, WCS applied to the Missouri Public Service Commission for a certificate of service authority to provide basic local exchange telecommunications services on a facilities basis to prospective customers in the exchanges of certain incumbent local exchange carriers, including AT&T, Embarq, CenturyTel, and Spectra.¹

¹ Paragraph 3 of the application correctly refers to the names of these companies as set out in the syllabus immediately above. However, the exchanges listed in Exhibit II of the application (“List of Exchanges”) incorrectly refer to either their corporate predecessors or an abbreviated version of their names (e.g., Southwestern Bell, CenturyTel, Sprint/United, and CenturyTel). Staff notes the exchanges listed in Exhibit II

WCS' application, which was filed pursuant to Section 392.410, RSMo Cum. Supp. 2005 and Sections 392.410 through 392.450, RSMo 2000,² as well as the pertinent administrative regulations, did not (and was not required to) contain a proposed tariff.³

WCS asked the Commission to classify it and its services as competitive and to waive certain statutes and Commission rules as authorized by Sections 392.361 and 392.420. WCS, whose principal office is located at 5471 N. University Drive, Coral Springs, Florida 33067, is a Florida corporation duly registered and authorized to do business in Missouri as a foreign corporation.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on February 7, 2008, directing parties wishing to intervene to file their requests by February 22, 2008. No requests for intervention were filed.

WCS intends to provide resold and facilities-based basic local exchange telecommunications services to residential and business class customers, including the types of such services currently offered by incumbent basic local exchange carriers in the

are exchanges now operated by the companies as correctly listed in the Application. In addition, the cover letter accompanying the application refers to a "Motion for Protective Order for information that is 'highly confidential,'" even though such a motion is no longer required under the new version of Commission Rule 4 CSR 240-2.135, which took effect on January 30, 2007. The Commission urges counsel for WCS to take note of these concerns and update future exhibits and cover letters appropriately.

² Unless otherwise indicated, all statutory references are to RSMo 2000. Throughout its application, WCS cites to statutes in pre-2000 editions of the Revised Statutes of Missouri. However, the current edition of statutes now in effect (and that governs the Commission's operations) is the 2000 edition, as supplemented. Fortunately, as to the subject matter of the application, the pre-2000 statutes cited by WCS do not appear to have been substantively modified in the interim. Once again, the Commission urges counsel for WCS to take note of these concerns and update future pleadings appropriately.

³ See Commission Rule 4 CSR 240-3.510(1)(C), which provides that a proposed tariff may, but need not be, filed simultaneously with an application for a certificate of service authority to provide interexchange, local exchange, or basic local exchange telecommunications services. For this reason, the Commission finds it unnecessary to address WCS' request for a temporary waiver of 4 CSR 240-3.510(1)(C), which is based upon the company's mistaken belief that the rule "requires [WCS] to file a draft tariff simultaneously with [its] application."

proposed service areas.

In its Memorandum filed on March 25, 2008, the Staff of the Commission recommended that the Commission grant WCS a certificate of service authority to provide basic local telecommunications service in the service areas of AT&T, Embarq, CenturyTel, and Spectra, conditioned upon certain access rate provisions. Staff recommended that the Commission classify WCS and its services as competitive, and that the Commission waive the statutes and rules listed in the Notice.

The Commission finds that competition in the basic local exchange telecommunications markets is in the public interest and that WCS shall be granted a certificate of service authority. The Commission finds that the services WCS proposes to offer are competitive and that WCS shall be classified as a competitive company. The Commission finds that waiving the statutes and Commission rules set out in the ordered paragraph below is reasonable and not detrimental to the public interest.

The Commission reminds the company that failure to comply with its regulatory obligations may result in the assessment of penalties against it. These regulatory obligations include, but are not limited to, the following:

A) The obligation to file an annual report, as established by Section 392.210. Failure to comply with this obligation will make the utility liable to a penalty of \$100 per day for each day that the violation continues. Commission 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.

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 of noncompliance, pursuant to Section 386.570.

D) The obligation to keep the Commission informed of its current address and telephone number.

The company is also reminded that, as it is a corporation, non-attorneys may not represent the company before the Commission. Instead, the corporation must be represented by an attorney licensed to practice law in Missouri.

Furthermore, as noted above, no tariff was submitted with the application. While no tariff filing is required at this time, the Commission advises WCS that “[b]efore service can be provided, a tariff and any applicable interconnection agreements must be filed with the commission and approved.”⁴ Finally, the company is reminded that Section 392.410.5, RSMo Cum. Supp. 2005, renders the company’s certificate of service authority null and void one year from the date of this order unless it has exercised its authority under that certificate.

IT IS ORDERED THAT:

1. Wholesale Carrier Services, Inc. is granted a certificate of service authority to provide basic local telecommunications service in the service areas of Southwestern Bell Telephone, L.P. d/b/a AT&T Missouri; Embarq Missouri, Inc. d/b/a Embarq; CenturyTel of Missouri, LLC d/b/a CenturyTel; and Spectra Communications Group, LLC d/b/a CenturyTel, subject to the conditions and recommendations contained in the Memorandum

⁴ 4 CSR 240-3.510(1)(C). The tariff filed with the Commission must have “an effective date which is not fewer

filed by the Commission's Staff on March 25, 2008, and also subject to all applicable statutes and Commission rules except as specified in this order.

2. The certification granted herein is conditioned upon Wholesale Carrier Services, Inc.'s compliance with the regulatory obligations in this order.

3. Wholesale Carrier Services, Inc. is classified as a competitive telecommunications company. Application of the following statutes and administrative regulations shall be 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

4. This order shall become effective on April 5, 2008.

5. This case may be closed on April 6, 2008.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Benjamin H. Lane, Regulatory
Law Judge, by delegation of authority
under section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 26th day of March, 2008.