



Commissioners  
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Chair  
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## Missouri Public Service Commission

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January 30, 2002

ROBERT J. QUINN, JR.  
Executive Director  
WESS A. HENDERSON  
Director, Utility Operations  
ROBERT SCHALLENBERG  
Director, Utility Services  
DONNA M. PRENGER  
Director, Administration  
DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge  
DANA K. JOYCE  
General Counsel

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

**RE: Case No. TA-2002-300**

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of a **STAFF RECOMMENDATION**.

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

Eric William Anderson  
Assistant General Counsel  
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EWA:ccl  
Enclosure  
cc: Counsel of Record

**FILED<sup>2</sup>**  
JAN 30 2002  
Missouri Public  
Service Commission

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

**FILED<sup>2</sup>**  
JAN 30 2002  
Missouri Public  
Service Commission

In the Matter of the Application of Weston )  
Telecommunications, LLC for a )  
Certificate of Service Authority to Provide )  
Intrastate Interexchange and Non- )  
Switched Local Exchange )  
Telecommunications Services Within the )  
State of Missouri and for Competitive )  
Classification )

Case No. TA-2002-300  
Tariff No. 200200523

**STAFF RECOMMENDATION**

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

1. In the attached Memorandum, which is labeled Appendix A, the Staff recommends that the Missouri Public Service Commission ("Commission") grant Weston Telecommunications, LLC (Applicant) a certificate to provide intrastate interexchange telecommunications services and grant a certificate to provide local exchange telecommunications service restricted to dedicated private line services. 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. (See sections 392.430 and 392.440 RSMo 2000).

2. Staff also 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. (See section 392.361.4 RSMo 2000). All the services a competitive company provides must be classified as competitive. (See section 392.361.3 RSMo 2000).

3. Staff further recommends that the Commission approve the waivers listed on 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 RSMo 2000. (See sections 392.361, 392.420 and 392.185 RSMo 2000).

**WHEREFORE**, the Staff recommends that the Commission grant Weston Telecommunications, LLC a certificate to provide intrastate interexchange telecommunications services, grant a certificate to provide local exchange telecommunications service restricted to dedicated private line services, grant Applicant competitive classification, approve Applicant's proposed tariff, PSC MO No. 1 with a proposed effective date of February 14, 2002, and approve waivers listed on the Notice of Applications.

Respectfully submitted,

DANA K. JOYCE  
General Counsel



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Eric William Anderson  
Assistant General Counsel  
Missouri Bar No. 47253

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Missouri Public Service Commission  
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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 30<sup>th</sup> day of January 2002.

  
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## MEMORANDUM

To: Missouri Public Service Commission Official Case File  
Case No: TA-2002-300 File No: 200200523  
Applicant: Weston Telecommunications, L.L.C.

From: Sara Buyak <sup>SB</sup>  
Telecommunications Department

*Ric Vozet 01-29-02*  
Utility Operations Division/Date

*Wm K Hase 1/30/02*  
General Counsel's Office/Date

*EWB  
1/30/02*

Subject: Staff Recommendation for Approval of Certificate and/or Initial Tariff

Date: January 29, 2002

Filing Deadline: February 4, 2002 ( by 4:00 pm 7 working days prior to proposed effective date)

The Telecommunications Department Staff (Staff) recommends the applicant be granted the following certificate(s), as indicated below, to be effective on the same date the tariff becomes effective:

☐ certificate to provide basic local exchange telecommunications services. Granting the certificate should be based on the following conditions:

1. The applicant's originating and terminating access rates will be no greater than the lowest Commission approved corresponding access rates in effect for each ILEC within whose service area the applicant seeks authority to provide service, unless authorized by the Commission pursuant to Sections 392.220 and 392.230 RSMo.
2. The certificate and service classification for switched access service is conditioned on the continued applicability of Section 392.200 RSMo, and the requirement that any increases in switched access services rates above the maximum switched access service rates set forth herein shall be made pursuant to Sections 392.220 and 392.230 RSMo, and not Sections 392.500 and 392.510 RSMo.
3. If the directly competing ILEC, in whose service area the applicant is operating, decreases its originating and/or terminating access service rates, the applicant shall file an appropriate tariff amendment to reduce its originating and/or terminating access rates in the directly competing ILEC's service area within 30 days of the directly competing ILEC's reduction of its originating and/or terminating access rates in order to maintain the cap.

☐ (Check, if applicable) Grant the request for waiver of 4 CSR 2.060(6)(C), which requires the filing of a tariff with an effective date not fewer than 45 days from the issue date. The applicant can not lawfully provide service until tariffs are effective.

☒ certificate to provide interexchange telecommunications services.

☒ certificate to provide local exchange telecommunications services.\*

\*local exchange authority should be restricted to dedicated, private line services.

☒ No objection to tariff taking effect MO PSC No. 1 (indicate PSC MO numbers)  
February 14, 2002 Effective Date

Staff recommends the applicant and its services receive competitive classification. In addition, Staff recommends approval of the waivers listed in the Notice.

☐ There is an attachment to this recommendation.

*SR*  
01-29-02 15:11 RCVD

Appendix A

**Review Items for IXC, Non-switched Local and CLEC Certificate Applications (as required by 4 CSR 240-2.060):**

- ☒ Proper Secretary of State authorization
- ☒ Statement of character of business performed.
- ☒ Statement declaring no pending action or final unsatisfied judgments
- ☒ Statement declaring no overdue annual reports/assessment fees (if already certificated).
- ☒ Application includes an affidavit.
- ☒ The applicant is requesting waivers of rules or statutes previously granted to a competitively classified company

(as required by 392.430/.440):

- ☒ Application shows that grant of authority is in the public interest.

**Additional Review Items for CLEC Applications (as required by 392.455):**

- ☐ Possesses sufficient technical, financial and managerial resources and abilities.
- ☐ Identifies geographic area (no smaller than an exchange).
- ☐ Statement that applicant will offer basic local service as a separate and distinct service.
- ☐ Statement that applicant will give equitable access to all Missourians.

**Tariff Review Items (applicable for all competitively classified companies):**

- ☒ Properly formatted: (Company name, PSC MO No., Page #, Page revision #, proposed effective date)
- ☒ Identifies competitive classification.
- ☒ Identifies waivers granted.
- ☒ ICB pricing, if proposed, limited for private line, special access or Centrex-like services. (392.200(8)).
- ☒ Proposed rates do not establish geographic deaveraged rates (if not checked, explain in attachment). (392.200(4)).
- ☐ If an alternative operator service provider (receives more than 40% of revenues from traffic aggregators) operator service rates do not exceed: Person-to-Person (\$10.00), Station-to-Station/card (\$5.50). (392.515(1))

**Tariff Review Items (applicable only for CLECs):**

- ☐ Interconnection agreement approved (if not checked, explain in attachment).
- ☐ Tariff clearly indicates areas offering local service (392.455.(3))  
(\_\_\_\_ SWB, \_\_\_\_ Verizon, \_\_\_\_ Sprint, \_\_\_\_ Spectra, \_\_\_\_ Other \_\_\_\_.)
- ☐ Tariff offers local service as a separate and distinct service. (392.455(4))
- ☐ Switched access rates capped at ILEC's rates.

**Service List for  
Case No. TA-2002-300  
January 30, 2002 (ccl)**

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