

**FILED<sup>2</sup>**

FEB 26 2003

Cinergy Communications Company  
8829 Bond Street  
Overland Park, KS 66214  
phone 913.492.1230  
fax 913.492.1684

**Missouri Public  
Service Commission**

February 24, 2003

**CINERGY**  
COMMUNICATIONS

Mr. Dale Hardy Roberts  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, Missouri 65102

RE: TA-2003- \_\_\_\_\_  
Application of Cinergy Communications Company for Certificate of Service Authority to  
Provide Basic Local Exchange Telecommunications Services

Dear Mr. Roberts:

Enclosed for filing on behalf of Cinergy Communications Company please find an original and eight (8) copies of an "**APPLICATION FOR CERTIFICATE OF SERVICE AUTHORITY AND FOR COMPETITIVE CLASSIFICATION.**" A confidential exhibit, Exhibit C, is also being filed under seal (with eight copies, each under seal).

Included within the Application is Cinergy Communications Company's Missouri Secretary of State Certificate of Authority.

One copy of the "**APPLICATION FOR CERTIFICATE OF SERVICE AUTHORITY AND FOR COMPETITIVE CLASSIFICATION**" was sent via postage-prepaid U.S. mail to the Office of Public Counsel as directed in the instructions.

Please see that this filing is brought to the attention of the appropriate Commission personnel.

Thank you for your attention to this very important matter.

Best Regards,

ROBERT A. BYE

By:   
Robert A. Bye

Enclosures

FILED<sup>2</sup>

FEB 26 2003

Missouri Public  
Service Commission

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the matter of the Application of )  
 )  
**Cinergy Communications Company** )  
 )  
for a certificate of service authority to provide Basic )  
Local Telecommunications Service in portions of the )  
State of Missouri and for competitive classification )

Case No. \_\_\_\_\_

\_\_\_\_\_  
**APPLICATION FOR CERTIFICATE OF SERVICE AUTHORITY  
AND FOR COMPETITIVE CLASSIFICATION**  
\_\_\_\_\_

COMES NOW Cinergy Communications Company ("Cinergy" or "Applicant"), by its undersigned counsel, and hereby applies pursuant to Sections 392.361, 392.410 and 392.450 RSMo., the federal Telecommunications Act of 1996, and 4 CSR 240-2.060, for authority to provide basic local telecommunications service in portions of the State of Missouri and to classify said service and company as competitive. In support of its Application, Cinergy states as follows:

1. Applicant is a corporation formed under the laws of Kentucky. The character of business performed by Applicant is telecommunications. Applicant has a Certificate of Authority to do business in Missouri from the Missouri Secretary of State's Office, which is attached hereto as *Exhibit A*. The Applicant's principal offices are located at 1419 Lloyd Expressway, Evansville, Indiana 47710. Telephone: 1-800-599-1000.

2. All inquiries, correspondence, communications, pleadings, notices, orders and decisions relating to the case should be addressed to:

Robert A. Bye  
Vice President and General Counsel  
8829 Bond Street  
Overland Park, Kansas 66214  
Telephone: (913) 492-1230 ext. 5132  
Fax: (913) 492-1684  
Email: bye@cinergycom.com

with a copy to:

John P. Cinelli  
President  
1419 West Lloyd Expressway  
Evansville, Indiana 47710  
Telephone: (812) 456-1215  
Fax: (812) 461-3363  
Email: johnc@cinergycom.com

The corporate contact for consumer issues or customer complaints is:

Norma M. Carlton-Zoglman  
1419 West Lloyd Expressway  
Evansville, Indiana 47710  
Telephone: (812) 461-3355 ext. 1258  
Facsimile: (812) 461-3363  
Email: ncz@cinergycom.com

3. By this Application, Cinergy seeks authority to provide competitive basic local exchange telecommunications services on both a facilities-based and resale basis, throughout all exchanges currently served by the incumbent local exchange telecommunications companies (ILECs): Southwestern Bell Telephone Company (SWBT), Sprint Missouri, d/b/a Sprint (Sprint), GTE Midwest Incorporated, d/b/a Verizon Midwest, Inc. (GTE) (or CenturyTel, its successor), Spectra Communications Group, LLC (Spectra), and ALLTEL. The specific SWBT, Sprint, GTE, CenturyTel, Spectra and ALLTEL exchanges within which Cinergy proposes to offer service are

listed in the incumbent providers' respective local exchange tariffs. Applicant may seek authority to provide this service in other areas of the state in a subsequent proceeding.

The services proposed by Applicant may include, but are not necessarily limited to, telephone exchange, exchange access, and such other telecommunications services as may be lawfully provided by competitive basic local exchange carriers in Missouri. Cinergy will initially provide the following suite of services:

- Exchange access services (e.g. basic exchange line services, basic exchange trunk and digital trunk services, DID service, Hunt/Grouping Services, CLASS Features, Custom Call Services, corridor services, ISDN/PRI and ISDN services).
- Exchange access optional features (e.g. directory listings, main number retention, authorization codes, vanity number service).
- Directory assistance services.
- Operator services.
- Special arrangements.
- Optional local exchange services (e.g. integrated service products, ISDN, etc.)
- Other miscellaneous services.

4. Cinergy's customers may contact the company's Customer Service Department through its toll-free telephone number, 1-800-599-1000, for billing inquires and questions.

5. Applicant possesses the technical and managerial expertise and experience necessary to operate a viable business and provide the services it proposes. Resumes of Applicant's management, which demonstrate their extensive experience and expertise are attached hereto and incorporated herein by reference as *Exhibit B*.

6. Cinergy also possesses the necessary financial resources to provide the services for which authority is requested. A copy of the balance sheet and income statement of Cinergy, for the period ending September 30, 2002, is attached hereto and incorporated herein by reference as *Exhibit C*. Cinergy requests that the financial information attached as *Exhibit C* be treated as highly confidential by the Commission, and Cinergy

is filing a Motion for Protective Order concurrently with this application pursuant to 4 CSR 240-2.085. Cinergy is a privately owned corporation and its financial statements are not public information. Applicant requests that the financial statements filed under seal with this application remain confidential and not be disclosed except pursuant to the terms of the Commission's protective order.

7. Applicant seeks classification of itself and its services as competitive, pursuant to Section 392.361 RSMo. and 4 CSR 240-2.060 (6)(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 will offer basic local telecommunications service as a separate and distinct service in accordance with applicable law. Applicant agrees to provide equitable access to affordable telecommunications services, as determined by the Commission, for all Missourians within the geographic area in which it proposes to offer basic local service, regardless of residence or income.

9. Cinergy is willing to comply with all applicable Commission rules and is willing to meet all relevant basic local service standards including, but not limited to, quality of service, billing standards, and tariff filing and maintenance in the same manner and form as the Commission requires of ILECs with which Applicant seeks to compete.

10. Applicant is willing to comply with all applicable Commission rules, except those for which specific waiver is requested by Applicant. Consistent with the Commission's treatment of other certificated competitive local exchange telecommunications companies, Applicant requests that the following statutes and regulations be waived for Cinergy and its basic local exchange service offerings:

**STATUTES**

§ 392.210.2	--	Uniform System of Accounts
§ 392.240(1)	--	Just and Reasonable Rates
§ 392.270	--	Ascertain Property Value
§ 392.280	--	Depreciation Accounts
§ 392.290	--	Issuance of Securities
§ 392.300.2	--	Acquisition of Stock
§ 392.310	--	Issuance of Stock and Debt
§ 392.320	--	Stock Dividend Payment
§ 392.330	--	Issuance of Securities, Debts and Notes
§ 392.340	--	Reorganization

**RULES**

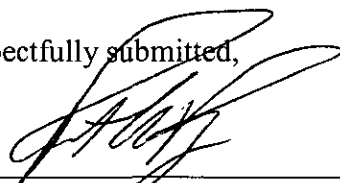
4 CSR 240-10.020	--	Depreciation Fund Income
4 CSR 240-30.010(2)(C)	--	Posting of Rate Schedules at Central Office
4 CSR 240-30.040	--	Uniform System of Accounts
4 CSR 240-32.030(4)(C)	--	File exchange boundary maps with Commission
4 CSR 240-33.030	--	Inform Customers of Lowest Price
4 CSR 240-35	--	Bypass Reports

11. Cinergy also requests a temporary waiver of 4 CSR 240-2.060(6)(C). This rule requires that an application for a certificate of service authority to include a proposed tariff with a forty-five (45) day effective date.
12. In any area served by a small ILEC, Cinergy agrees to offer telecommunications services defined by the Commission as essential to qualify for state universal service fund support (essential services) in 4 CSR 240-31.010(5), pursuant to Section 392.451.1(1).
13. In any area served by a small ILEC, Cinergy agrees to advertise the availability essential services and the charges for those services using media of general distribution in compliance with Section 392.451.1(2) RSMo.
14. Cinergy herein states, in accordance with 4 CSR 240-2.060(1)(K), that there are no pending actions or final unsatisfied judgments or decisions against Cinergy 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.
15. Pursuant to 4 CSR 240-2.060(1)(L), Cinergy hereby affirms that the Company does not have any overdue annual reports or fees owed to the Missouri Public Service Commission.
16. Cinergy submits that the public interest will be served by Commission approval of this application because Cinergy's proposed services will create and enhance competition and expand customer service options consistent with the legislative goals set forth in the federal 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, which is in the public interest.
17. Finally, Cinergy agrees that, unless otherwise ordered by the Commission, and notwithstanding the provisions of § 392.500 RSMo., as a condition of certification and competitive classification, Applicant's originating and terminating access rates will be no greater than the lowest Commission approved corresponding access rates in effect for each large ILEC within whose service area(s) Applicant seeks authority to provide service. Additionally, Applicant agrees that if the ILEC in whose service area the Applicant is operating decreases its originating and/or terminating access service rates, Applicant shall file an appropriate tariff amendment to reduce its originating and/or terminating access rates within thirty (30) days of the ILEC's reduction of its originating

and/or terminating access rates in order to maintain the access rate cap, consistent with the Commission's Report and Order in Case No. \_\_\_\_\_.

WHEREFORE, Applicant Cinergy Communications Company respectfully requests that the Commission grant it a certificate of service authority to provide basic local telecommunications services as herein requested, classify Applicant and its proposed services as competitive, treat Applicant's financial information as Highly Confidential, and grant a waiver of the aforesaid statutes and regulations.

Respectfully submitted,



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Robert A. Bye                  Mo. Bar # 47418  
Cinergy Communications Company  
8829 Bond Street  
Overland Park, Kansas 66214  
Tel.: (913) 492-1230 ext. 5131  
Fax: (913) 492-1684  
Email: bye@cinergycom.com

COUNSEL FOR CINERGY  
COMMUNICATIONS COMPANY



Certificate of Service

I hereby certify that an original and eight (8) copies of this document have been mailed by first class mail, postage prepaid, to the Missouri Public Service Commission, with a copy to Office of Public Counsel, on this 24<sup>th</sup> day of February 2003.

  
\_\_\_\_\_  
Robert A. Bye

**EXHIBIT A**

**Missouri Secretary of State Certificate of Authority**

No. F00440250

# STATE OF MISSOURI



Matt Blunt  
Secretary of State

CORPORATION DIVISION  
AMENDED CERTIFICATE OF AUTHORITY  
OF A FOREIGN CORPORATION

WHEREAS,

CINERGY COMMUNICATIONS COMPANY

Formerly,

COMMUNITY TELEPHONE CORPORATION

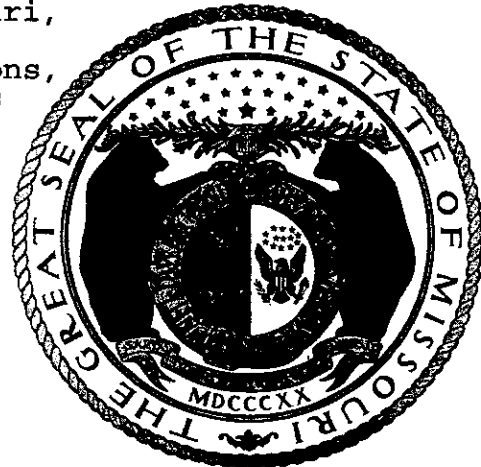
incorporated under the laws of the State of KENTUCKY and now in existence and in good standing in said State, and qualified to transact business in Missouri has delivered to me, duly authenticated evidence of an amendment to its Articles of Incorporation as provided by law, and has, in all respects, complied with the requirements of the The General and Business Corporation Law of Missouri, governing Amendments to the Articles of Incorporation of Foreign Corporations, and in accordance therewith issue this Certificate of Amendment.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 18th day of FEBRUARY, 2003.

A handwritten signature in cursive script that reads "Matt Blunt".

Secretary of State

\$25.00



## **EXHIBIT B**

### **Management Resumes**

#### **Albert E. Cinelli – Chairman**

Albert E. Cinelli, a graduate of Lafayette College and Columbia University Law School, is Chairman of the Board of Cinergy Communications Company. Mr. Cinelli has been employed as General Counsel for several major corporations, including ELTRA Corporation and American Home Products in New York. Mr. Cinelli also worked for Marion Labs in Kansas City as Vice President and Chief Legal Counsel. Mr. Cinelli founded an interconnect company in Kansas City in 1985 and purchased Quest Communications in 1990. Currently, Mr. Cinelli is President of QCC, Inc., a multi-service long distance reseller, which merged with Quest Communications in 1994.

#### **John P. Cinelli – President**

John P. Cinelli received his Bachelor of Arts in International Regulations from Tufts University in 1985. Having worked for the Bank of Boston and Security Pacific, Mr. Cinelli's background is primarily in financial services. He has worked in a variety of capacities for Q-Comm Corporation, the parent company of Cinergy Communications Company, during the last 12 years including his most recent position as President. Mr. Cinelli has extensive management experience in all phases of telecom.

#### **Lohn H. Weber – Vice President, C.F.O., Treasurer**

A graduate of the University of Missouri, Columbia, Mr. Lohn Weber is a Vice President, Chief Financial Officer, and Treasurer of Cinergy Communications Company. Mr. Weber, a C.P.A. with an extensive background in accounting, joined Cinergy Communications Company's senior management team in 1996. Prior to joining Cinergy Communications Company, Mr. Weber worked for Baird, Kurtz and Dobson, a large Midwest regional public accounting firm.

#### **Marc E. Rouleau – Chief Operating Officer**

Mr. Rouleau is a graduate of the University of Virginia and has completed the coursework necessary to receive a Master of Science degree in Computer Science from the University of Virginia. Prior to joining Cinergy Communications Company in 1995, Mr. Rouleau was a Systems Engineer at the University of Virginia and the Director of Academic Computing at the University of Evansville. Mr. Rouleau has been an engineer of Internet Services since the mid-1980's. At Cinergy Communications Company, Mr. Rouleau served as Vice President of Engineering and Chief Information Officer prior to assuming his current role.

### **Patrick L. Heck – Chief Technology Officer**

Patrick L. Heck holds a Masters Degree in Computer Science from the University of Virginia. Mr. Heck also holds a Bachelor of Science in Computer Science from the University of Evansville, as well as having completed all the coursework necessary for a Ph.D. in Computer Science from that institution. Mr. Heck founded Network WCS, an ISP and consulting company, which was acquired by the parent of Cinergy Communications Company.

### **John S. Johnson – Vice President of Sales**

John S. Johnson is a graduate of the University of Southern Indiana with a Bachelor of Science in Management. Mr. Johnson has 10 years of management and sales experience in the telecommunications industry. Mr. Johnson is the founder of Telemanagement Systems, an interconnect company which was acquired by the parent company of Cinergy Communications Company.

### **Robert A. Bye – Vice President and General Counsel**

Robert A. Bye is a graduate *cum laude* of Washburn University School of Law and Texas Tech University. Prior to joining the Cinergy Communications Company management team in February of 2001, Mr. Bye was General Counsel for Deffenbaugh Industries, Inc., a privately-held Kansas City corporation with annual revenues in excess of \$120 million. He is listed in Who's Who of International Business 2000.

### **Joseph T. Buck III – Director of Engineering & Operations**

Joseph T. Buck has completed a substantial portion of the coursework for a degree in Marketing from the University of Tennessee. Mr. Buck also completed work within the A.A.S. Degree Program for Electrical Engineering at Northern Virginia Community College. Mr. Buck has 30 years of engineering and telecommunications industry experience. Prior to his current position, Mr. Buck was the Director of New Market Development. Prior to joining Cinergy Communications Company, Mr. Buck served as Vice President of Engineering with Avana Communications in Atlanta, GA. Mr. Buck also served as President and Chief Operating Officer for P.V. Telephone LLC for 5 years.

### **Steve Chamblee – Manager of Field Services**

Steve Chamblee completed Basic Electronics and Semiconductor Theory training at NEC. Mr. Chamblee has 17 years of telecommunications experience, including starting Bi-Star Communications in 1989 and Quadcom Inc. in 1995. Mr. Chamblee sold his interest in Quadcom Inc. to Express Voice and Data in 1997, but continued employment with the new company until 2001 when he began with Cinergy Communications Company.

**EXHIBIT C**

Exhibit C is filed under seal. See accompanying Motion For Protective Order.

Verifications

County of Johnson            )  
  )  
  )  
State of Kansas                )

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**VERIFICATION OF  
LOHN H. WEBER**

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I, Lohn H. Weber, being duly sworn upon oath, do hereby depose and state as follows:

1. My name is Lohn H. Weber. I am employed by Cinergy Communications Company as Vice President, Chief Financial Officer and Treasurer. My business address is 8829 Bond Street, Overland Park, Kansas 66214. I am authorized by Cinergy Communications Company to make this Verification on its behalf.

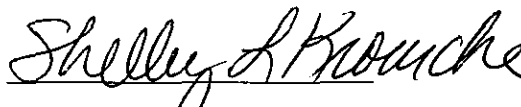
2. I declare that the financial information attached in Exhibit C was prepared at my direction and under my supervision. All of the information contained therein is true and accurate to the best of my knowledge, information, and belief.

FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
Lohn H. Weber

SUBSCRIBED AND SWORN TO BEFORE ME this 21 day of 2, 2003.



  
\_\_\_\_\_  
Notary Public