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December 6, 1999

Mr. Dale Roberts  
Chief Regulatory Law Judge  
Missouri Public Service Commission  
301 West High Street, Room 530  
Jefferson, City, MO 65102

**FILED**

DEC 6 1999

Missouri Public  
Service Commission

**Re: In the Matter of the Application of Fidelity Communication Services  
II, Inc.; Case No. TA-2000-229**


Dear Mr. Roberts,

Enclosed for filing in the above-referenced matter are the original and fourteen (14) copies of a Motion for Clarification. In addition, I have included an extra copy which I request be file stamped and returned to me in the enclosed self-addressed envelope. A copy of the foregoing motion has been hand-delivered or mailed this date to the parties of record.

Thank you for your attention to this matter.

Yours very truly,

GREENSFELDER, HEMKER & GALE, P.C.

By   
Jason L. Ross  
Sheldon K. Stock

JLR/sdd  
Enclosures  
359868v1

cc: Office of Public Counsel  
Mr. John T. Davis

BEFORE THE PUBLIC SERVICE COMMISSION  
STATE OF MISSOURI

FILED

DEC 6 1999

Missouri Public  
Service Commission

In the Matter of the Application of )  
Fidelity Communication Services II, Inc. )  
for a Certificate of Service Authority to )  
Provide Basic Local Telecommunications ) Case No. TA-2000-229  
service in Portions of the State of )  
Missouri and for Competitive Classification )

MOTION FOR CLARIFICATION

COMES NOW Fidelity Communication Services II, Inc., ("FCS II") and hereby requests that the Missouri Public Service Commission ("Commission") clarify certain portions of its November 30, 1999, Order Granting FCS II a Certificate to Provide Basic Local and Exchange Access Telecommunications Services. In support of its Motion, FCS II states as follows:

1. Fidelity Communication Services II, Inc., applied to the Commission on September 10, 1999, for a certificate of service authority to provide basic local and local exchange telecommunications services in Missouri under Sections 392.420 - .440, RSMo 1994, and Sections 392.410 and .450, RSMo Supp. 1998. FCS II asked the Commission to classify it as a competitive company and waive certain statutes and rules as authorized by Sections 392.361 and 392.420. FCS II is a Missouri corporation with principal offices located at 60 North Clark Street, Sullivan, Missouri 63080.

2. The Commission issued a notice and schedule of applicants on September 14, 1999, directing interested parties wishing to intervene to do so by October 14, 1999. On October 7, 1999, Southwestern Bell Telephone Company ("SWBT") filed its application to intervene which was granted on October 21, 1999. No other entity intervened.

3. The parties filed a Stipulation and Agreement (“Agreement”) on November 15, 1999. The Staff of the Commission filed Suggestions in Support of the Stipulation and Agreement on November 17, 1999.

4. The Commission, on November 30, 1999, entered the Order Granting FCS II a Certificate to Provide Basic Local and Exchange Access Telecommunications Services (“Order”).

5. The Order expressly approves the Agreement filed by the parties, which was attached as Attachment 1. Order at ¶ 1.

6. The Order, however, adopts language which differs somewhat from the language contained in the Agreement. In particular, the Agreement states:

Notwithstanding the provisions of Section 392.500 RSMo 1994, unless otherwise ordered *or permitted* by the Commission in any other case, the Applicant’s originating and terminating access rates will be no greater than the lowest Commission approved corresponding access rates charged by the large incumbent LEC(s) within whose area(s) Applicant provides service.”

Agreement at ¶ 3, emphasis added, footnotes omitted. Whereas, the Order states, “FCS II has agreed that, unless otherwise ordered by the Commission, its originating and terminating access rates will be no greater than the lowest Commission-approved corresponding access rates in effect for the large ILEC(s) within whose service areas FCS II seeks to operate.” Order at unnumbered ¶ 2 under Discussion part C, Competitive Classification. The Order omits the “or permitted” language contained in the Agreement.

7. In addition, the Agreement states:

*Unless otherwise determined by the Commission in Case No. TO-99-596 or any other case, any increases in switched access service rates above the maximum switched access service rates as set forth in paragraph 3 herein shall be cost justified and shall be made exclusively pursuant to 392.220 and 392.230, and not 392.500 and 392.510 RSMo Supp. 1998.*

Agreement at ¶ 9, emphasis added. The Order, however, states:

That Fidelity Communication Services II, Inc.'s certification and competitive status are expressly conditioned upon the continued applicability of Section 392.200, RSMo Supp. 1998, and on the requirement that any increases in switched access service rates above the maximum switched access service rates set forth in the agreement must be cost-justified pursuant to Sections 392.220, RSMo Supp. 1998, and 392.230, rather than Sections 392.500 and 392.510.

Order at ¶ 8. The Order omits the "unless otherwise determined" language.

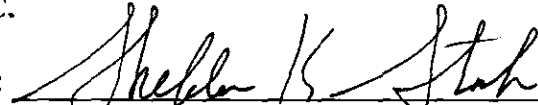
8. FCS II maintains that the differences in language between the Order and the Agreement creates a conflict within the Order itself and requests that the Commission clarify the Order by adopting the aforementioned language contained in the Agreement.

WHEREFORE, Fidelity Communication Services II, Inc., respectfully requests that the Commission clarify certain portions of its November 30, 1999, Order Granting Certificate to Provide Basic Local and Exchange Access Telecommunications Services.

Dated: December 6, 1999

Respectfully submitted,

**GREENSFELDER, HEMKER & GALE,  
P.C.**

By: 

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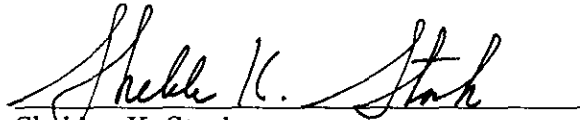
Attorney for Fidelity  
Communication Services II

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered or mailed, postage prepaid, this 6<sup>th</sup> day of December, 1999 to:

Paul G. Lane, Esq.  
Leo J. Bub, Esq.  
Anthony K. Conroy, Esq.  
Katherine C. Swaller, Esq.  
Southwestern Bell Telephone Company  
One Bell Center, Room 3518  
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Sheldon K. Stock