



Missouri Public Service Commission

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June 21, 2000

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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-2000-663

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of **STAFF'S MOTION TO CLARIFY COMMISSION ORDER**.

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,

Nathan Williams
Assistant General Counsel
(573) 751-8702
(573) 751-9285 (Fax)

NW:sw
Enclosure
cc: Counsel of Record

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

FILED²

JUN 21 2000

Missouri Public
Service Commission

In the Matter of the Application of Rock)
Port Telephone Company and Fiber Four)
Corporation to grant Rock Port Telephone)
Company d/b/a Rock Port Long Distance)
a Certificate of Service Authority to)
provide Interexchange and Local)
Exchange Telecommunications Service)
and for Authority to Transfer to Rock Port)
Telephone Company d/b/a Rock Port)
Long Distance Assets of Fiber Four)
Corporation Used to Provide Service to)
Customers of Fiber Four Corporation)
d/b/a Rock Port Long Distance.)

Case No. TA-2000-663

STAFF'S MOTION TO CLARIFY COMMISSION ORDER

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its Motion to Clarify Commission Order states:

1. This case originated with the joint application of Rock Port Telephone Company ("RPTC") and Fiber Four Corporation ("FFC") on April 18, 2000, for Commission orders necessary to effectuate the transfer of the provisioning of interexchange telecommunications services to the customers of FFC d/b/a Rock Port Long Distance ("FFC d/b/a RPLD") from FFC d/b/a RPLD to RPTC d/b/a Rock Port Long Distance ("RPTC d/b/a RPLD"). At the time of the filing of this joint application RPTC was an incumbent local exchange carrier already providing authorized local exchange services in the State of Missouri.

2. In Case No. TO-96-381, the Missouri Public Service Commission rejected a tariff filing by GTE Card Services Incorporated where the company stated that one of the purposes of the tariff revisions was to reflect the use of the fictitious name "d/b/a GTE Long Distance." In

its Order made effective June 29, 1996, the Commission rejected the tariff sheets and on page 6 of that Order stated:

The Commission finds that it is not in the public interest to allow a company to do business in the State of Missouri under two different names, unless the company has a separate certificate of service authority and tariff for each name under which it does business. To allow a company to operate under multiple names without separate certificates and tariffs would cause potential customer confusion and impede the Commission's administrative needs and record keeping responsibilities.

. . . . While there may be no legal constraints preventing GTE-CSI from operating interchangeably under both its corporate and fictitious name—a proposition upon which the Commission expresses no opinion—the Commission determines that the discharge of its regulatory responsibilities requires certification and tariffs for all names under which a company chooses to do business within the State of Missouri.

As stated in the prefiled rebuttal testimony of Staff witness John Van Eschen, beginning at line 17 on page 2 and ending at line 9 of page 4, the Commission has in the past granted multiple certificates of service authority to provide interexchange and local exchange telecommunications services to companies seeking to provide such services under multiple fictitious names. The fictitious names listed below each have their respective certificates of service authority to provide interexchange telecommunications services:

Communications Cable Laying Company d/b/a Dial U.S.
Communications Cable Laying Company d/b/a Dial U.S.A.

Lyrihn Communications, Inc. d/b/a Blue Earth.
Lyrihn Communications, Inc. d/b/a Community Spirit.

Nations Bell, Inc. d/b/a Nations Tel.
Nations Bell, Inc. d/b/a MTS/Communicall.

Preferred Carrier Services, Inc. d/b/a Phones For All d/b/a Telefonos Para Todos.

Intercontinental Communications Group, Inc. d/b/a Fusion Telecom.
Intercontinental Communications Group, Inc. d/b/a Fusion-Trucker Phone.

Grand River Communications, Inc. d/b/a Grand River Long Distance

Grand River Communications, Inc. d/b/a Lathrop Long Distance

Consonant with Commission's Order in Case No. TO-96-381, prior Commission orders¹ made in response to requests to operate under multiple fictitious names have required each fictitious name to have its own certificate and tariff. From this standpoint the Commission has consistently treated multiple fictitious names as separate entities for the Commission's regulatory purposes. The only exception might be found for Preferred Carrier Services, Inc. where a second d/b/a was simply a Spanish translation of the first d/b/a. In addition, the Commission recently established a special condition for Grand River Communications, Inc.'s applications to provide interexchange and nonswitched local exchange telecommunications services under two fictitious names that required that the tariffs for each contain the same provisions.

3. Ordered paragraph no. 1 of the Commission's Order in this case grants a certificate of service authority to "Rock Port Telephone Company" to provide intrastate interexchange telecommunications services in the State of Missouri. In light of all the foregoing, the Staff recommends that this certificate of service authority should be limited to those services provided by "Rock Port Telephone Company d/b/a Rock Port Long Distance" and, therefore, the certificate of authority should be granted to "Rock Port Telephone Company d/b/a Rock Port Long Distance."

4. Similarly, ordered paragraph no. 2 of the Commission's Order in this case grants to "Rock Port Telephone Company" a certificate of service authority to provide local exchange telecommunications services in the State of Missouri limited to providing dedicated, non-

¹ For example, see Commission's Order Suspending Tariffs and Addressing Operation of Interexchange Companies Under Fictitious Names issued on May 30, 1995 in *In the Matter of Midwest Fibernet, Inc.'s Tariffs for Authority to use in Missouri the Fictitious Names "Consolidated Communications Long Distance" and "Call Advantage,"* Case No. TO-95-321, or Order Rejecting Tariffs issued on June 21, 1996 in *In the Matter of GTE Card Services Incorporated d/b/a GTE Long Distance's Tariff Revision Designed to Reflect the Use of the d/b/a GTE Long Distance and to Expand the Services Offered by the Company to Provide Full Service Long Distance Message Telecommunications and 800/888 Services,* Case No. TO-96-381.

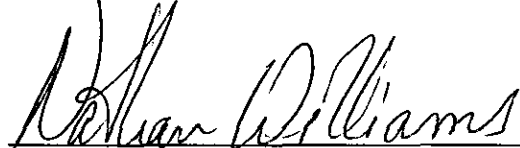
switched local exchange private line services. In light of all the foregoing, the Staff recommends that this certificate of service authority should also be limited to those services provided by "Rock Port Telephone Company d/b/a Rock Port Long Distance" and, therefore, the certificate of authority should be granted to "Rock Port Telephone Company d/b/a Rock Port Long Distance."

5. Additionally, ordered paragraph no. 4 of the Commission's Order in this case states "[t]hat the services of Rock Port Telephone Company are classified as a competitive telecommunications services." Because Rock Port Telephone Company is an incumbent local exchange carrier, the Staff suggests that the Order should specify that only those intrastate interexchange and dedicated, non-switched local exchange private line services that Rock Port Telephone Company will provide under its fictitious name "Rock Port Long Distance" are classified as competitive telecommunications services.

WHEREFORE, the Staff requests that the Commission clarify that its order issued in this case on June 20, 2000, grants service authority to "Rock Port Telephone Company d/b/a Rock Port Long Distance" and that the telecommunications services classified as competitive are only those Rock Port Telephone Company is to provide under the d/b/a "Rock Port Long Distance" as authorized by the Commission in this case.

Respectfully submitted,

DANA K. JOYCE
General Counsel

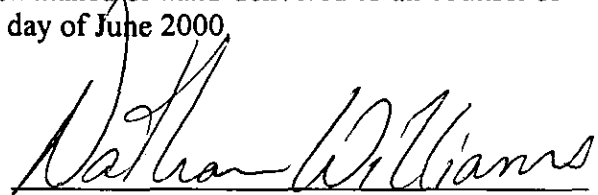


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Certificate of Service

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 21st day of June 2000.



**Service List for
Case No. TA-2000-663
June 21, 2000**

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