

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of NetLojix)
 Telecom, Inc. for a Certificate of Service)
 Authority to Provide Interexchange) **Case No. TA-2000-340**
 Telecommunications Services in the State of) **Tariff No. 200000479**
 Missouri and for Competitive Classification)

NOTICE OF DEFICIENCY

NetLojix Telecom, Inc. (NetLojix) applied to the Missouri Public Service Commission (Commission) on November 23, 1999, for a certificate of interexchange service authority to operate as a reseller of intrastate interexchange telecommunications services in the state of Missouri.

On page one of its application, NetLojix "...requests that it be classified as a competitive telecommunications company." However, on page four of its application, NetLojix states that it "...also seeks classification of its proposed telecommunications services as competitive, with accompanying reduced regulation, pursuant to §§ 392.361, 392.420 RSMo." But in the prayer of the application, NetLojix requests that the Commission classify its "...proposed services as competitive...."

Sections 386.020(9) and (10), RSMo 1998 Supp., distinguish between a competitive company and a competitive service. The sections state:

[As used in this chapter, the following phrases mean:] ...
 (9) "Competitive telecommunications company", a telecommunications company which has been classified as such by the commission pursuant to section 392.361, RSMo;

(10) "Competitive telecommunications service", a telecommunications service which has been classified as such by the commission pursuant to section 392.361, RSMo, or which has become a competitive telecommunications service pursuant to section 392.370, RSMo....

In addition, Section 392.361(1), RSMo 1994, requires an applicant for a certificate of service authority for telecommunications authority to choose to have itself or its services classified as competitive. The section states, in part, that a telecommunications company "...may file with the commission a petition to be classified as a competitive telecommunications company...or to have [its] services classified as competitive...."

Commission Rule 4 CSR 240-2.060(1)(E) states, in part, that "[a]ll applications...shall include...a clear and concise statement of the relief requested." NetLojix's application did not include a clear and concise statement of the relief requested regarding competitive classification.

The Commission cannot proceed with this case until NetLojix amends its application to make clear the relief it seeks.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Dated at Jefferson City, Missouri,
on this 2nd day of December, 1999.

Hopkins, Senior Regulatory Law Judge

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION