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June 12, 2000

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Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

FILED³

JUN 12 2000

Missouri Public
Service Commission

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-2000-664

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,

Julie A. Kardis

by Wm K Haas

Julie A. Kardis
Assistant General Counsel
(573) 751-8706
(573) 751-9285 (Fax)

JAK:sw
Enclosure
cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED³

JUN 12 2000

Missouri Public
Service Commission

In the Matter of the Application of)
Pathnet, Inc. for a Certificate of Service)
Authority to Provide Interexchange and)
Local Exchange Telecommunications)
Services.)

Case No. TA-2000-664

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 Pathnet, Inc. (Applicant) a certificate of authority to provide interexchange telecommunications services, and a certificate of authority to provide local exchange telecommunications services 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 §§ 392.430 and 392.440 RSMo 1994.)

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 §392.361.2 RSMo 1994.) All the services a competitive company provides must be classified as competitive. (See §392.361.3 RSMo 1994.)

3. Staff further recommends that the Commission approve the waivers listed in the Notice of Application with the exception of 4 CSR 24-35 as the Applicant requested. The Commission may waive the application of its rules and certain statutes if the Commission

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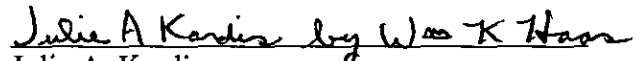
determines that waiver is consistent with the purposes of Chapter 392 RSMo. (See §§ 392.361.3 and 392.420 RSMo 1994, and § 392.185 RSMo Supp. 1999.)

4. Finally, Staff recommends that the Commission waive, at this time, the requirement that the tariff be filed with the application for certification. The Staff recommends that the certificates become effective on the effective date of the tariff.

WHEREFORE, Staff recommends that the Commission grant Pathnet, Inc. certificates to provide interexchange telecommunications services, and local exchange telecommunications services restricted to dedicated private line services, grant Applicant competitive classification, approve the waivers listed in the Notice of Applications with the exception of 4 CSR 24-35, and waive the requirement that the tariff be filed with the application for certification.

Respectfully submitted,

DANA K. JOYCE
General Counsel


Julie A. Kardis
Assistant General Counsel
Missouri Bar No. 44450

Attorney for the Staff of the
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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 12th day of June 2000.

Wm K Haas

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No: TA-2000-664 File No:
Applicant: Pathnet, Inc.

From: Walt Cecil *WC*
Telecommunications Department

6/9/00
Utility Operations Division/Date *Wm K Hane 6/12/00* General Counsel's Office/Date *OK, 6-9-00*

Subject: Staff Recommendation for Approval of Certificate

Date: 06/08/00

Date Assigned: 04/20/00

Staff Deadline: Tariff to be filed at a later 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 interexchange telecommunications services.
 - ☒ certificate to provide local exchange telecommunications services.*
- *local exchange authority should be restricted to dedicated, private line services.

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

Is there an attachment to this recommendation indicating any additional recommendations or special considerations? ☒ Yes ☐ No

RECEIVED
JUN 09 2000
COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION
Walt Cecil 2:57 pm

Application/Tariff Review Items

☒ No applications to intervene filed.

Application contains the following:

- ☒ Proper Secretary of State authorization
☒ Request for classification as a competitive telecommunications company.
☒ All requested waivers are listed in the Notice and all requested waivers have previously been granted to other competitive companies.

Proposed tariff:

- ☐ Complies with PSC rules and statutes applicable to applicant.
☐ If operator services offered, operator services requirements are included.
☐ Includes "interexchange" tariff text if offers private line service w/o requesting a local certificate.
☐ If ICB pricing proposed, only for private line.
☐ If ICB pricing is offered, tariff includes standardized ICB text.
☐ Rate structures or service offerings are similar to existing IXC offerings. (In addition, tariff does not geographically de-average).
☐ If promotional offering text is included, it is standardized promotion text.
☐ Waivers listed in tariff match those listed in application and Notice.

Services Offered in Initial Tariff

- | | |
|---|---------------------------------------|
| <input type="checkbox"/> 1+ | <input type="checkbox"/> Private Line |
| <input type="checkbox"/> 800/888/877 Services | <input type="checkbox"/> Debit Card |
| <input type="checkbox"/> Directory Assistance | <input type="checkbox"/> Travel Card |
| <input type="checkbox"/> Operator Assistance | <input type="checkbox"/> Other: |

Has proposed effective date been extended? ☐ Yes ☐ No

New effective date:

Have substitute tariff sheets been filed? ☐ Yes ☐ No

Date of substitute sheets:

From	Initials	Date	Revised
Walt Cecil	WC	06/08/00	06/09/00
Wm. Voight	BV	6-9	

Pathnet, Inc. (Pathnet) has requested that the requirement that the tariff be filed with the application for certification be waived at this time. Also, Pathnet is not asking that all of the standard waivers mentioned in the Notice be waived. Specifically, Pathnet is not asking that 4 CSR 24-35 be waived.

Staff recommends that the Commission grant approval of the requested certificate for interexchange and nonswitched local exchange authority upon approval of the interexchange tariff. Staff also recommends that the Commission direct Pathnet to file its tariff within 45 days.

**Service List for
Case No. TA-2000-664
June 12, 2000**

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