

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
March 9, 2001**

**CASE NO: TA-2000-709**

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**Enclosed find certified copy of an ORDER in the above-numbered case(s).**

Sincerely,



**Dale Hardy Roberts**  
**Secretary/Chi Regulatory Law Judge**

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

In the Matter of the Application of OnFiber	)	
Carrier Services, Inc., for Authority to	)	
Provide and/or Resell Basic Local, and Local	)	<b><u>Case No. TA-2000-709</u></b>
Exchange and Intrastate Interexchange Tele-	)	<b><u>Tariff No. 200100643</u></b>
communications Services in the State of	)	
State.	)	

**ORDER APPROVING INTEREXCHANGE AND NONSWITCHED LOCAL EXCHANGE**  
**CERTIFICATES OF SERVICE AUTHORITY AND ORDER APPROVING TARIFF**

OnFiber Carrier Services, Inc. (OnFiber), applied to the Missouri Public Service Commission (Commission) on April 28, 2000, for certificates of service authority to provide intrastate interexchange and nonswitched local exchange telecommunications services in Missouri under Sections 392.410-.450, RSMo 2000.<sup>1</sup> OnFiber asked the Commission to classify it as a competitive company and to waive certain statutes and rules as authorized by Sections 392.361 and 392.420. OnFiber is a Delaware corporation with its principal office located at 2730 Sand Hill Road, Suite 150, Menlo Park, California 94025.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on May 16, 2000, directing parties wishing to intervene to file their requests by June 15, 2000. On May 31, 2000, Southwestern Bell

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<sup>1</sup> OnFiber originally filed an application to provide basic local exchange, local exchange, and interexchange services. On December 21, 2000, OnFiber amended its application by deleting the reference to basic local service. On January 19, 2001, OnFiber filed its Second Amended Application to correct other matters.

Telephone Company (SWBT) filed an application to intervene, which was granted on June 19, 2000. On November 22, 2000, SWBT filed a notice of dismissal, requesting that it be dismissed from the case. The Commission granted SWBT's motion on November 30, 2000. The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. 1989). Since no one has requested a hearing, the Commission may grant the relief requested based on the application.

OnFiber filed a proposed tariff in conjunction with its application and filed substitute sheets on February 14, 2001, and February 21, 2001. The tariff's effective date is March 26, 2001. OnFiber's tariff describes the rates, rules, and regulations it intends to use, identifies OnFiber as a competitive company, and lists the waivers requested. OnFiber intends to provide interexchange and nonswitched local exchange telecommunications services including private line services.

In its memorandum filed on February 26, 2001, the Staff of the Commission (Staff) recommended that the Commission grant OnFiber a certificate of interexchange service authority, and a certificate of service authority for local exchange telecommunications services on condition that this authority be restricted to providing dedicated private line services. Staff recommended that the Commission grant OnFiber competitive status, and waiver of the statutes and rules listed in the Notice, except Staff indicated that waiver of 4 CSR

240-32.030(4)(C) is not appropriate because the provision is not applicable to interexchange carriers. Staff recommended that the Commission approve the proposed tariff as amended to become effective on March 26, 2001.

The Commission finds that competition in the intrastate interexchange and nonswitched local exchange telecommunications markets is in the public interest and OnFiber should be granted certificates of service authority. The Commission finds that the services OnFiber proposes to offer are competitive and OnFiber should be classified as a competitive company. The Commission finds that waiving the statutes and Commission rules set out in the ordered paragraph below is reasonable and not detrimental to the public interest.

The Commission finds that OnFiber's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated interexchange and nonswitched local exchange carriers. The Commission finds that the proposed tariff filed on April 28, 2000, shall be approved as amended to become effective on March 26, 2001.

**IT IS THEREFORE ORDERED:**

1. That OnFiber Carrier Services, Inc., is granted a certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri, subject to the conditions of certification set out above.

2. That OnFiber Carrier Services, Inc., is granted a certificate of service authority to provide nonswitched local exchange

telecommunications services in the state of Missouri limited to providing dedicated private line services, subject to all applicable statutes and Commission rules except as specified in this order.

3. That OnFiber Carrier Services, Inc., is classified as a competitive telecommunications company. Application of the following statutes and regulatory rules shall be waived:

**Statutes**

- 392.210.2 - uniform system of accounts
- 392.240.1 - rates-rentals-service & physical connections
- 392.270 - valuation of property (ratemaking)
- 392.280 - depreciation accounts
- 392.290 - issuance of securities
- 392.300.2 - acquisition of stock
- 392.310 - stock and debt issuance
- 392.320 - stock dividend payment
- 392.340 - reorganization(s)
- 392.330 - issuance of securities, debts and notes

**Commission Rules**

- 4 CSR 240-10.020 - depreciation fund income
- 4 CSR 240-30.010(2)(C) - posting of tariffs
- 4 CSR 240-30.040 - uniform system of accounts
- 4 CSR 240-33.030 - minimum charges
- 4 CSR 240-35 - reporting of bypass and customer-specific arrangements

4. That the tariff filed by OnFiber Carrier Services, Inc., under tariff number 200100643, is approved as amended to become effective on March 26, 2001. The tariff approved is:

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5. That this order shall become effective on March 26, 2001.

6. That this case may be closed on March 27, 2001.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read "Dale Hardy Roberts". The signature is written in a cursive, somewhat stylized font.

**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

( S E A L )

Vicky Ruth, Regulatory Law Judge,  
by delegation of authority pursuant  
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 9th day of March, 2001.

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

I have compared the preceding copy with the original on file in this office and  
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,  
Missouri, this 9<sup>th</sup> day of March 2001.

*Dale Hardy Roberts*

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**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

