

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
October 17, 2000**

CASE NO: TA-2000-712

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

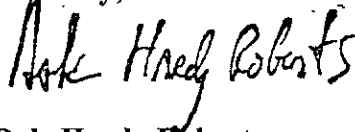
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Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Leo J. Bub
Southwestern Bell Telephone Company
One Bell Center, Room 3518
St. Louis, MO 63101

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

Sincerely,



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 17th
day of October, 2000.

In the Matter of the Application of)
Fidelity Communications Services III, Inc.)
for a Certificate of Service Authority to)
Provide Basic Local Telecommunications) Case No. TA-2000-712
Services in Portions of the State of)
Missouri and to Classify Said Services and)
the Company as Competitive)

ORDER GRANTING WAIVER OF SECTION 392.240, RSMo (1994)

Fidelity Communications Services III, Inc. (FCSIII) applied to the Missouri Public Service Commission (Commission) on May 1, 2000, for a certificate of service authority to provide basic local, local exchange and interexchange telecommunications services in Missouri under Sections 392.420 - .440 RSMo (1994)¹, and Sections 392.410 and .450, RSMo (Cum. Supp. 1999). FCSIII asked the Commission to waive Section 392.240(1), RSMo, among other statutes and rules.

On July 10, 2000, FCSIII filed a Unanimous Stipulation and Agreement (Agreement) signed by all the parties. The Agreement did not reference FCSIII's request for waiver of Section 392.240(1) relating to rates, rentals, service and physical connections.

The Commission finds that it is appropriate in a competitive environment to grant FCSIII's request for waiver of Section 392.240(1).

¹ All statutory references are to Revised Statutes of Missouri 1994 unless otherwise indicated.

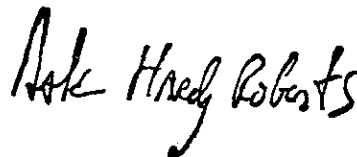
The Commission will grant FCSIII's request for waiver of Section 392.240(1).

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 objection has been filed to the request for waiver of Section 392.240(1), the Commission may grant the relief requested based on the application.

IT IS THEREFORE ORDERED:

1. That the request for waiver of Section 392.240(1), RSMo (1994), regarding rates-rentals-service and physical connections filed by Fidelity Communications Services III, Inc. on May 1, 2000, is granted.
2. That this order shall become effective on October 27, 2000.
3. That this case may be closed on October 28, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Drainer, Schemenauer, and Simmons, CC., concur
Murray, C., dissents

Register, Regulatory Law Judge

FYI: To Be Issued By Delegation

ALJ/Sec'y: Register/Boyc

10-2
Date Circulated

10-5
Return by ~~3 p.m.~~
10 am

ALJ/Sec'y: Register/Boyc

10-5
Date Circulated

TA-2000-712
CASE NO.

TA-2000-712
CASE NO.

[Signature]
Lumpe, Chair

absent
Drainer, Vice Chair

cm NO
Murray, Commissioner

[Signature]
Schemenauer, Commissioner

absent
Simmons, Commissioner

[Signature]
Lumpe, Chair

[Signature]
Drainer, Vice Chair

cm NO
Murray, Commissioner

[Signature]
Schemenauer, Commissioner

KS
Simmons, Commissioner

10-17
Agenda Date

Action taken: 4-1 AS

Must Vote Not Later Than _____

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 17th day of Oct. 2000.



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