



Missouri Public Service Commission

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July 10, 2000

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DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

FILED³

JUL 10 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-2000-786

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of the **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/lb
Enclosure
cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED³

JUL 10 2000

Missouri Public
Service Commission

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

Case No. TA-2000-786

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 on May 26, 2000, with the joint application of Holway Long Distance Company ("HLDC") and Fiber Four Corporation ("FFC") for Commission orders necessary to effectuate the transfer of the provisioning of interexchange telecommunications services to the customers of FFC d/b/a Holway Long Distance ("FFC d/b/a HLD") from FFC d/b/a HLD to HLDC. At the time of the filing of this joint application HLDC was a newly formed Missouri corporation.

2. Ordered paragraphs nos. 1 through 6 of the Commission's Order entered in this case on July 6, 2000, are all made with respect to "Holway Long Distance Company d/b/a Holway Long Distance." However, as stated in Holway Long Distance Company's Response to Notice Requiring Filing filed on June 29, 2000, and as noted in the third paragraph of page 5 of

the Commission's July 6, 2000, Order, Holway Long Distance Company has not sought a certificate of service authority under any fictitious name. In light of the foregoing and the Commission decisions referred to in the paragraph following, the Staff recommends that the Commission should substitute "Holway Long Distance Company" at each place in the Commission's July 6, 2000, Order where "Holway Long Distance Company d/b/a Holway Long Distance" appears, specifically the first sentence of the first paragraph on the first page of the Order and in ordered paragraphs nos. 1 through 6 on pages 6, 7 and 8.

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 rebuttal testimony of Staff witness John Van Eschen prefiled in consolidated Cases Nos. TA-2000-23, TA-2000-24, TA-2000-25 and TA-2000-27, 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.

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.

WHEREFORE, the Staff requests that the Commission clarify that its order issued in this case on July 6, 2000, by substituting "Holway Long Distance Company" for "Holway Long Distance Company d/b/a Holway Long Distance" at each place where "Holway Long Distance Company d/b/a Holway Long Distance" appears throughout the order, specifically the first sentence of the first paragraph on the first page of the Order and in ordered paragraphs nos. 1 through 6 on pages 6, 7 and 8

Respectfully submitted,

DANA K. JOYCE
General Counsel

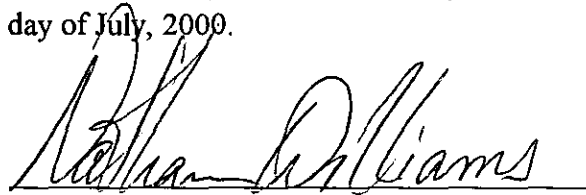
A handwritten signature in cursive script, appearing to read "Nathan Williams", written over a horizontal line.

Nathan Williams
Assistant General Counsel
Missouri Bar No. 35512

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Missouri Public Service Commission
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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 10th day of July, 2000.



Nathan Williams

**Service List for
Case No. TA-2000-786
July 10, 2000**

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