

**HENDREN AND ANDRAE**

ATTORNEYS AT LAW  
THE MONROE HOUSE  
235 EAST HIGH STREET  
P. O. BOX 1069

JEFFERSON CITY, MISSOURI 65102

(314) 636-8135

JOHN H. HENDREN (1907-1988)  
CHARLES H. HOWARD (1925-1970)  
JOHN E. BURRUSS, JR. (1933-1985)

TELECOPIER  
(314) 636-5225

HENRY ANDRAE  
KELLY POOL  
RICHARD S. BROWNLEE III  
MICHAEL A. DALLMEYER  
DUANE E. SCHREIMANN  
J. KENT LOWRY  
DOUGLAS L. VAN CAMP  
GERALD E. ROARK  
MICHAEL G. BERRY  
DONALD C. OTTO, JR.  
HALLIE H. GIBBS II

April 27, 1989

Mr. Harvey G. Hubbs  
Secretary  
Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

Re: Case No. TA-88-218

Dear Mr. Hubbs:

Enclosed please find original plus fourteen (14) copies of Supplemental Memorandum in Support of Application for Reconsideration, Rehearing and Stay for filing in the above referenced matter.

Thank you for your assistance.

Very truly yours,

HENDREN AND ANDRAE

*Richard S. Brownlee III*  
Richard S. Brownlee, III

RSB/k  
Enclosures  
cc: All Counsel of Record

**FILED**  
APR 27 1989  
PUBLIC SERVICE COMMISSION

BEFORE THE PUBLIC SERVICE COMMISSION  
STATE OF MISSOURI

In the matter of the )  
application of American Operator )  
Services, Inc. for a certificate )  
of service authority to provide ) Case No. TA-88-218  
Intrastate Operator-Assisted )  
Resold Telecommunications )  
Services. )

In the matter of Teleconnect )  
Company for authority to file )  
tariff sheets designed to )  
establish Operator Services ) Case No. TR-88-282  
within its certificated service )  
area in the State of Missouri. )

In the matter of Dial U.S. for )  
authority to file tariff sheets )  
designed to establish Operator ) Case No. TR-88-283  
Services within its certificated )  
service area in the State of )  
Missouri. )

In the matter of Dial U.S.A. )  
for authority to file tariff )  
sheets designed to establish ) Case No. TR-88-284  
Operator Services within its )  
certificated service area in )  
the State of Missouri. )

In the matter of International )  
Telecharge, Inc. for authority )  
to file tariff sheets designed ) Case No. TR-89-6  
to establish Operator Services )  
within its certificated service )  
area in the State of Missouri. )

SUPPLEMENTAL MEMORANDUM IN SUPPORT OF  
APPLICATION FOR RECONSIDERATION, REHEARING AND STAY

International Telecharge, Inc., ("ITI"), by Hendren and Andrae, Richard S. Brownlee, III, and hereby files this Supplemental Memorandum in Support of the Application for Reconsideration, Rehearing and Stay filed by ITI herein on April 24, 1989.

**FILED**

APR 27 1989

PUBLIC SERVICE COMMISSION

123.

In its Application, ITI urged the Commission to reconsider its Order rejecting ITI's tariff because that Order is discriminatory, unjust and unreasonable. In support of its claim, ITI argued that the Commission's concerns about ITI apply as well to providers of service including Teleconnect, Dial US and Dial USA, and that ITI should be subject to the same rules of operation as the Commission has imposed on those companies. In further support of its claim, ITI respectfully notes that both Judge Greene and the FCC have found that all interexchange carriers, including competitive operator service providers, should be treated in the same manner. Judge Greene, in his October 14, 1988, opinion specifically recognized "alternative service providers" as interexchange carriers besides AT&T are entitled to compete for 0+ traffic from public payphones. U.S. v. Western Electric Co., Inc., Civil Action No. 82-0103) at p. 23 (Ex. A to ITI's Application for Reconsideration). The FCC has also expressly recognized that companies providing services to the same category of transient users should be subject to the same rules of operation. In its February 27, 1989 TRAC Order, the FCC imposed various consumer notification and other requirements on providers of operator services. In the Matter of Telecommunications Research and Action Center and Consumer Action v. Central Corporation, et al., DA 89-237 (Ex. C to ITI's Application for Reconsideration.) The FCC has explicitly indicated that the principles of its TRAC Order are applicable to all operator service providers, including AT&T, MCI, US Sprint, and ITI.

In its Application, ITI also urged this Commission to grant rehearing in this case to take new evidence regarding changed circumstances in the operator services industry. In further support of this request, ITI respectfully brings to the Commission's attention the fact that ITI has recently been certificated by three states which previously denied ITI's applications for certification. On February 23, 1989, the Alabama Public Service Commission issued an order granting ITI's application to provide intrastate service in that state and specifically found in its order that ITI's proposed service "appears to be excellent and would provide quality-of-service competition." On March 22, 1989, the Kentucky Public Service Commission issued an interim order granting ITI authority to provide intrastate service to BOC payphones in Kentucky. Finally, on April 14, 1989, the Mississippi Public Service Commission entered an order authorizing ITI to provide intrastate service in that state after the Chancery Court of the First Judicial District of Hinds County, Mississippi, reversed the Commission's earlier denial of ITI's application. Significantly, the Chancery Court in Mississippi found that it is not appropriate to address public interest issues by denying a carrier the right to operate, but rather a state commission should adopt appropriate rules and regulations applicable to all such companies, including AT&T.

The Alabama, Kentucky, and Mississippi Commissions all adopted various terms and conditions of services to allow fair and reasonable access to operator services to end users at traffic aggregator locations. This Commission should grant

rehearing to consider these new developments in the regulation of the operator services industry and, upon rehearing, should allow ITI to provide operator services in Missouri pursuant to the same terms and conditions as Teleconnect, Dial US and Dial USA.

HENDREN AND ANDRAE



Richard S. Brownlee, III  
235 E. High Street  
P.O. Box 1069  
Jefferson City, MO 65102

Attorneys for International  
Telecharge, Inc.

Of Counsel:

BICKERSTAFF, HEATH & SMILEY

Katie Bond  
San Jacinto Center, Suite 1800  
98 San Jacinto Blvd.  
Austin, TX 78701-4039


INTERNATIONAL TELECHARGE, INC.

Steve Bickerstaff  
Executive Vice-President of  
Legal Affairs

Ed Pope  
General Counsel  
108 S. Akard  
Dallas, TX 72002

Certificate of Service

I hereby certify that a true copy of the foregoing was mailed on April 27, 1989, by prepaid United States mail to all counsel of record.



Richard S. Brownlee, III