

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY**

October 17, 2000

CASE NO: TA-2000-607

Office of the Public Counsel

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Southwestern Bell Telephone Company
One Bell Center, Room 3510
St. Louis, MO 63101

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

Sincerely,

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

**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)	
Advanced TelCom Group, Inc. for a)	
Certificate of Service Authority to Provide)	
Basic Resold and Facilities-Based Basic)	
Local Telecommunications Services in)	<u>Case No. TA-2000-607</u>
Portions of the State of Missouri and to)	
Classify Such Services and the Company as)	
Competitive)	

ORDER GRANTING WAIVER OF SECTION 392.240, RSMo (1994)

Advanced TelCom, Inc. (ATI) (formerly known as Advanced TelCom Group, Inc.) applied to the Missouri Public Service Commission (Commission) on March 28, 2000, for a certificate of service authority to provide basic local and local exchange telecommunications services in Missouri under Sections 392.420 - .440 RSMo (1994)¹, and Sections 392.410 and .450, RSMo (Cum. Supp. 1999). ATI asked the Commission to waive Section 392.240(1), RSMo, among other statutes and rules.

On June 20, 2000, ATI filed a Unanimous Stipulation and Agreement (Agreement) signed by all the parties. The Agreement did not reference ATI's request for waiver of Section 392.240(1) relating to rates, rentals, service and physical connections.

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

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The Commission finds that it is appropriate in a competitive environment to grant ATI's request for waiver of Section 392.240(1). The Commission will grant ATI'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 Advanced TelCom, Inc. on March 28, 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

ALJ/Sec'y:

Register/Boyer

10-5

Date Circulated

TA-2000-607

CASE NO.

SL
Lumpe, Chair

ndd
Drainer, Vice Chair

cm NO
Murray, Commissioner

RS
Schemenauer, Commissioner

KS
Simmons, Commissioner

10-17
Agenda Date

Action taken:

4-1 AS

Must Vote Not Later Than _____

FYI: To Be Used By Delegation

ALJ/Sec'y:

Register/Boyer

10-2

Date Circulated

10-5

Return by 3 p.m.

109M

TA-2000-607

CASE NO.

SL
Lumpe, Chair

absent
Drainer, Vice Chair

cm NO
Murray, Commissioner

RS
Schemenauer, Commissioner

absent
Simmons, Commissioner

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

