

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

CASE NO: TA-2000-752

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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)	
Digital Access Corporation of Missouri, Inc.)	
for a Certificate of Service Authority to)	
Provide Basic Local Service, Nonswitched)	<u>Case No. TA-2000-752</u>
Local Exchange Service and Interexchange)	
Telecommunications Services within the)	
State of Missouri and for Competitive)	
Classification)	

ORDER GRANTING WAIVER OF SECTION 392.240, RSMo (1994)

Digital Access Corporation of Missouri, Inc. (DACMI) applied to the Missouri Public Service Commission (Commission) on May 12, 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). DACMI asked the Commission to waive Section 392.240(1), RSMo, among other statutes and rules.

On July 12, 2000, DACMI filed a Unanimous Stipulation and Agreement (Agreement) signed by all the parties. The Agreement did not reference DACMI'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 DACMI's request for waiver of Section 392.240(1). The Commission will grant DACMI'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 Digital Access Corporation of Missouri, Inc., on May 12, 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

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

ALJ/Sec'y:

Register/Boyce

10-5
Date Circulated

TA-2000-752
CASE NO.

SL
Lumpe, Chair

nd
Drainer, Vice Chair

Cm NO
Murray, Commissioner

BS
Schemenauer, Commissioner

KS
Simmons, Commissioner

10-17
Agenda Date

Action taken:

4-1AS

Must Vote Not Later Than

FYI: To Be ued By Delegation

ALJ/Sec'y:

Register/Boyce

10-2
Date Circulated

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

TA-2000-752
CASE NO.

SL
Lumpe, Chair

absent
Drainer, Vice Chair

Cm NO
Murray, Commissioner

BS
Schemenauer, Commissioner

absent
Simmons, Commissioner