

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Application of)
Mid-Missouri Telephone Company)
for Certificates of Authority to Provide) **Case No. TA-2000-290**
Interexchange Private Line and) **Tariff File 200000381**
Nonswitched Local Telecommunications)
Services within the State of Missouri)

**ORDER APPROVING INTEREXCHANGE AND NONSWITCHED LOCAL EXCHANGE
CERTIFICATES OF SERVICE AUTHORITY AND ORDER APPROVING TARIFF**

Mid-Missouri Telephone Company (Mid-Mo) applied to the Missouri Public Service Commission (Commission) on October 18, 1999, for certificates of service authority to provide and resell interexchange private line and nonswitched local telecommunications services in Missouri under Section 392.410-.430, RSMo 1994, and RSMo Supp. 1998¹. Mid-Mo asked the Commission to classify its interexchange private line services and nonswitched local services as competitive and waive certain statutes and rules as authorized by Sections 392.361 and 392.420. Mid-Mo did not request classification as a competitive or transitionally competitive company. On November 9, 1999, Mid-Mo filed an amended application, which included a list of statutes and two additional Commission rules for which it requested waivers and which were omitted on the initial application. Mid-Mo is a Missouri

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

corporation, with its principal office located at P.O. Box 38, 215 Roe, Pilot Grove, Missouri 65276.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on October 26, 1999, directing parties wishing to intervene to file their requests by November 10, 1999. 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 one has asked permission to intervene or requested a hearing, the Commission may grant the relief requested based on the verified application.

Mid-Mo filed a proposed tariff in conjunction with its application and filed substitute sheets on October 28 and November 9, 1999. The tariff's effective date is December 10, 1999. Mid-Mo's tariff describes the rates, rules, and regulations it intends to use, and lists the waivers requested. Mid-Mo intends to provide interexchange and non-switched local exchange telecommunications services including private line services.

In its memorandum² filed on November 23, 1999, the Staff of the Commission (Staff) stated that Mid-Mo's proposed services are

² It should be noted that the memorandum stated that Mid-Mo's request of the waiver of Section 392.300.2 was not mentioned in the Commission's Notice. However, this section was indeed mentioned on the normal Notice of Applications issued by the Commission on October 26, 1999. Also, Staff's memorandum did not comment on Mid-Mo's request in its Amended Application filed November 9, 1999, of the nonstandard waiver of Commission Rules 4 CSR 240-33.020(1)(C) and 4 CSR 240-33.040(1) and (2).

similar to existing IXC offerings. Staff recommended that the Commission grant Mid-Mo a certificate of interexchange service authority, and a certificate of service authority for local exchange telecommunication services on condition that this authority be restricted to providing dedicated, nonswitched local exchange private line services. Staff recommended that the Commission grant Mid-Mo competitive status, and waiver of the statutes and rules listed in the Notice. Staff recommended that the Commission approve the proposed tariff as amended to become effective on December 10, 1999.

The Commission finds that competition in the intrastate interexchange and nonswitched local exchange telecommunications markets is in the public interest and Mid-Mo should be granted certificates of service authority. The Commission finds that the services Mid-Mo proposes to offer are competitive but that Mid-Mo should not be classified as a competitive company. Despite Staff's statement to the contrary, the Commission points out that Mid-Mo did not request classification as a competitive company but rather that Mid-Mo requested that its interexchange private line services and nonswitched local services should be classified as competitive. The Commission finds that waiving the statutes and Commission rules set out in the ordered paragraph below is reasonable and not detrimental to the public interest.

The Commission finds that Mid-Mo's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated interexchange and nonswitched local exchange carriers. The Commission

finds that the proposed tariff filed on October 18, 1999, as amended by substitute sheets filed on October 28 and November 9, 1999, shall be approved as amended to become effective on December 10, 1999.

IT IS THEREFORE ORDERED:

1. That Mid-Missouri Telephone Company is granted a certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri, subject to the conditions of certification set out above.

2. That Mid-Missouri Telephone Company is granted a certificate of service authority to provide local exchange telecommunications services in the state of Missouri limited to providing dedicated, nonswitched local exchange private line services, subject to all applicable statutes and Commission rules except as specified in this order.

3. That Mid-Missouri Telephone Company's interexchange private line services and nonswitched local services are classified as competitive. Application of the following statutes and regulatory rules shall be waived:

Statutes

- 392.240(1) - ratemaking
- 392.270 - valuation of property (ratemaking)
- 392.280 - depreciation accounts
- 392.290 - issuance of securities
- 392.300.2 - acquisition of stock
- 392.310 - stock and debt issuance
- 392.320 - stock dividend payment
- 392.340 - reorganization(s)
- 392.330, RSMo Supp. 1998 - issuance of securities, debts and notes

Commission Rules

- 4 CSR 240-10.020 - depreciation fund income
- 4 CSR 240-30.010(2)(C) - rate schedules
- 4 CSR 240-30.040 - Uniform System of Accounts
- 4 CSR 240-32.030(1)(B) - exchange boundary maps
- 4 CSR 240-32.030(1)(C) - record-keeping
- 4 CSR 240-32.030(2) - in-state record-keeping
- 4 CSR 240-32.050(3) - local office record-keeping
- 4 CSR 240-32.050(4) - telephone directories
- 4 CSR 240-32.050(5) - call intercept
- 4 CSR 240-32.050(6) - telephone number changes
- 4 CSR 240-32.070(4) - public coin telephone
- 4 CSR 240-33.020(1)(C) - monthly billing period
- 4 CSR 240-33.030 - minimum charges rule
- 4 CSR 240-33.040(1)&(2) - monthly billing
- 4 CSR 240-33.040(5) - financing fees

4. That the tariff filed by Mid-Missouri Telephone Company on October 18, 1999, as amended by substitute sheets filed on October 28 and November 9, 1999, under tariff number 200000381, is approved as amended to become effective on December 10, 1999. The tariff approved is:

P.S.C. Mo. No. 1

5. That this order shall become effective on December 10, 1999.

6. That this case may be closed on December 11, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Bill Hopkins, Senior Regulatory Law Judge,
by delegation of authority pursuant
to 4 CSR 240-2.120(1) (November 30,
1995) and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 2nd day of December, 1999.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION