

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

**June 1, 2000**

**CASE NO: TA-2000-685**

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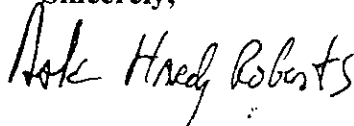
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**Enclosed find certified copy of an ORDER in the above-numbered case(s).**

**Sincerely,**



**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

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

In the Matter of the Application of Fidelity )  
Networks, Inc., for a Certificate of Service )  
Authority to Provide Competitive Intrastate, ) **Case No. TA-2000-685**  
Interexchange and Non-switched Local Exchange ) **Tariff No. 200000974**  
Telecommunications Service in the State of )  
Missouri. )

**ORDER APPROVING INTEREXCHANGE AND  
NON-SWITCHED LOCAL EXCHANGE CERTIFICATES OF SERVICE  
AUTHORITY AND ORDER APPROVING TARIFF**

Fidelity Networks, Inc. (FNI) applied to the Public Service Commission on April 26, 2000, for certificates of service authority to provide intrastate interexchange and non-switched local exchange telecommunications services in Missouri under Sections 392.410-.450, RSMo 1994 and RSMo Supp. 1999<sup>1</sup>. FNI asked the Commission to classify it as a competitive company and waive certain statutes and rules as authorized by Sections 392.361 and 392.420. FNI is a Missouri corporation, with its principal office located at 64 North Clark, Sullivan, Missouri 63080.

The Commission issued a Notice of Applications and Opportunity to Intervene on May 2, directing parties wishing to intervene to file their requests by May 17. The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has

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

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 application.

FNI filed a proposed tariff in conjunction with its application and filed substitute sheets on May 24 and May 30. The tariff's stated effective date is June 12. However, FNI filed a Motion for Expedited Consideration of Application and Tariffs in which it requested that the tariff become effective on June 1, if possible. FNI's motion also requests that the order approving the certificate of service authority become effective on the date issued. FNI's tariff describes the rates, rules, and regulations it intends to use, identifies FNI as a competitive company, and lists the waivers requested. FNI intends to provide interexchange and non-switched local exchange telecommunications services including 1+, 800/888/877, Directory Assistance, Debit Card and Travel Card services.

In its Recommendation and Memorandum filed on May 31, the Staff of the Commission stated that FNI's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant FNI 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, private line services. Staff recommended that the Commission grant FNI

competitive status, and waiver of the statutes and rules listed in the Application. The waivers requested in the Application are the standard waivers generally issued by the Commission, except that FNI did not request waiver of 4 CSR 240-35. Staff recommended that the Commission approve the proposed tariff as amended to become effective on the date requested by FNI.

The Commission finds that competition in the intrastate interexchange and non-switched local exchange telecommunications markets is in the public interest and FNI should be granted certificates of service authority. The Commission finds that the services FNI proposes to offer are competitive and FNI should be classified as a competitive company. 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 FNI'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 non-switched local exchange carriers. The Commission finds that the proposed tariff filed on April 26 shall be approved as amended to become effective on June 1, 2000.

**IT IS THEREFORE ORDERED:**

1. That Fidelity Networks, Inc. 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 Fidelity Networks, Inc. is granted a certificate of service authority to provide local exchange telecommunications services in the state of Missouri limited to providing dedicated, non-switched local exchange private line services, subject to all applicable statutes and Commission rules except as specified in this order.

3. That Fidelity Networks, Inc. is classified as a competitive telecommunications company. Application of the following statutes and regulatory rules shall be waived:

Statutes

392.210.2  
392.240(1)  
392.270  
392.280  
392.290  
392.300.2  
392.310  
392.320  
392.340  
392.330, RSMo Supp. 1999

Commission Rules

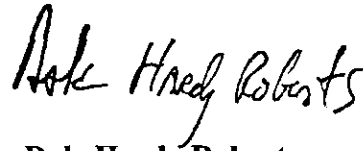
4 CSR 240-10.020  
4 CSR 240-30.010(2)(C)  
4 CSR 240-30.040  
4 CSR 240-33.030

4. That the tariff filed by Fidelity Networks, Inc. on April 26, 2000, and assigned tariff number 200000974, is approved as amended to become effective on June 1, 2000. The tariff approved is:

P.S.C. Mo. No. 1

5. That this order shall become effective on June 1, 2000.
6. That this case may be closed on June 2, 2000.

**BY THE COMMISSION**



**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

(S E A L)

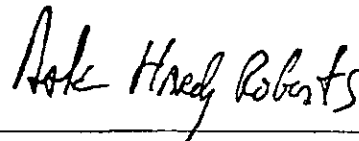
Morris L. Woodruff, Regulatory Law  
Judge, by delegation of authority  
pursuant to Section 386.240,  
RSMo 1994.

Dated at Jefferson City, Missouri,  
on this 1st day of June, 2000.

**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 1<sup>st</sup> day of June 2000.



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**Dale Hardy Roberts**  
Secretary/Chief Regulatory Law Judge

