

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of)	
Telecommunications Cooperative Network,)	
d/b/a TCN, Inc. for a Certificate of Service)	Case No. TA-2000-220
Authority to Provide Interexchange)	Tariff File No. 200000204
Telecommunications Service and for)	
Competitive Classification)	

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY AND ORDER APPROVING TARIFF

Telecommunications Cooperative Network, Inc., d/b/a TCN, Inc. (TCN) applied to the Missouri Public Service Commission (Commission) on September 7, 1999, for a certificate of service authority to operate as a reseller of interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994¹. TCN asked the Commission to classify its services as competitive and waive certain statutes and rules as authorized by Sections 392.361 and 392.420. TCN is a Delaware corporation, with its principal office located at 20 University Road, 4th Floor, Cambridge, Massachusetts 02138.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on September 28, 1999, directing parties wishing to intervene to file their requests by October 13, 1999. The requirement for a hearing is met when the opportunity for hearing has been provided and no proper

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

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.

TCN filed a proposed tariff in conjunction with its application with an effective date of October 22, 1999. TCN's tariff describes the rates, rules, and regulations it intends to use, identifies TCN as a competitive company, and lists the waivers requested. TCN intends to provide interexchange telecommunications services including 1+, Directory Assistance, Operator Assistance, and Travel Card services.

On September 15, 1999, the Commission entered its Order Requiring Filing, directing TCN to file evidence of its authority to conduct business in Missouri. On September 21, 1999, TCN filed its Certificate of Authority from the Secretary of State to do business in Missouri, thus curing the defect in its original pleadings. On September 27, 1999, because of the delay in the processing of its case which TCN caused, the Commission suspended the effective date of TCN's tariff from October 22, 1999, until November 21, 1999. On November 15, 1999, TCN filed an extension of the effective date of its tariff to December 17, 1999.

In its Memorandum filed on December 2, 1999, the Staff of the Commission (Staff) stated that TCN's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant TCN a certificate of service authority, competitive status, and waiver

of the statutes and rules listed in the Notice. Staff recommended that the Commission approve the proposed tariff to become effective on December 17, 1999.

On December 3, 1999, the Commission entered its Second Order Requiring Filing because it was unclear from comparing TCN's application with its tariff whether TCN was requesting a competitive classification of itself or of its services. On December 9, 1999, TCN filed its Amendment to Application, making it clear that TCN was requesting classification of its company as competitive, thus curing the defect.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and that TCN should be granted a certificate of service authority. The Commission finds that the services TCN proposes to offer are competitive and TCN 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 TCN's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated interexchange carriers. The Commission finds that the proposed tariff filed on September 7, 1999, and as amended on November 29, 1999, should be approved to become effective on December 17, 1999.

IT IS THEREFORE ORDERED:

1. That Telecommunications Cooperative Network, Inc., d/b/a TCN, Inc. is granted a certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri, subject to all applicable statutes and Commission rules except as specified in this order.

2. That Telecommunications Cooperative Network, Inc., d/b/a TCN, Inc. is classified as a competitive telecommunications company. 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
392.310 - 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 240-33.030 - minimum charges rule
4 CSR 240-33.040(5) - financing fees

3. That the tariff filed by Telecommunications Cooperative Network, Inc., d/b/a TCN, Inc. on September 7, 1999, and as amended on

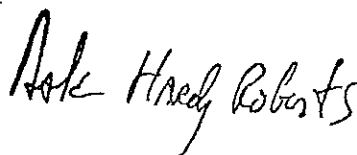
November 29, 1999, under tariff number 200000204, is approved to become effective on December 17, 1999. The tariff approved is:

P.S.C. Mo. No. 1

4. That this order shall become effective on December 17, 1999.

5. That this case may be closed on December 18, 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 14th day of December, 1999.

R E C E I V E D

DEC 4 4 1999

COMMISSIONER OF CONSEL
PUBLIC SERVICE COMMISSION