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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of)	
Navigator Telecommunications, L.L.C. for a)	
Certificate of Service Authority to Provide)	<u>Case No. TA-2000-232</u>
Competitive Intrastate Interexchange)	Tariff No. 200000231
Telecommunications Service in the State)	
of Missouri and to Classify said Services)	
and Company as Competitive)	

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY
AND ORDER APPROVING TARIFF

Navigator Telecommunications, L.L.C. (Navigator) applied to the Missouri Public Service Commission (Commission) on September 13, 1999, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994¹. Navigator 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. Navigator is an Arkansas limited liability company, with its principal office located at 212 Center Street, Suite 500, P.O. Box 8004, Little Rock, Arkansas 72201.

Navigator's application was not subscribed and verified by affidavit as required by Commission Rule 4 CSR 240-2.060(1)(F). Thus, on September 22, 1999, the Commission entered its order requiring Navigator to file an amended application complying with the rule. On

September 28, 1999, Navigator filed its amended application which corrected the defect in the first filing.

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 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.

Navigator filed a proposed tariff in conjunction with its application with an effective date of October 28, 1999. On October 14 and 19, 1999, Navigator filed substitute sheets. On October 19, 1999, Navigator extended the date of its tariff to November 8, 1999. Navigator's tariff describes the rates, rules, and regulations it intends to use, identifies Navigator as a competitive company, and lists the waivers requested. Navigator intends to provide intrastate interexchange telecommunications services, including 1+, 800/888/877, Directory Assistance, Debit Card, and Travel Card services.

In its Memorandum filed on October 27, 1999, the Staff of the Commission (Staff) stated that Navigator's proposed services are similar to existing IXC offerings. Staff recommended that the

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

Commission grant Navigator 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 November 8, 1999.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Navigator should be granted a certificate of service authority. The Commission finds that the services Navigator proposes to offer are competitive and Navigator 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 Navigator's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated intrastate interexchange carriers. The Commission finds that the proposed tariff filed on September 13, 1999 should be approved as amended to become effective on November 8, 1999.

IT IS THEREFORE ORDERED:

1. That Navigator Telecommunications, L.L.C., 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 Navigator Telecommunications, L.L.C. 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 Navigator Telecommunications, L.L.C., on September 13, 1999, under Tariff Number 200000231, is approved to become effective on November 8, 1999. The tariff approved is:

P.S.C. Mo. No. 2

4. That this order shall become effective on November 8, 1999.

5. That this case may be closed on November 9, 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 29th day of October, 1999.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION