

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

June 7, 2000

CASE NO: TA-2000-600

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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 Ionex)
Communications, Inc., for a Certificate of)
Service Authority to Provide Basic Local)
Telecommunications Services, for Waiver of) **Case No. TA-2000-600**
Certain Statutory and Regulatory Provisions,) **Tariff No. 200000868**
and for Designation as a Competitive Tele-)
communications Company.)

ORDER GRANTING CERTIFICATE TO PROVIDE
BASIC LOCAL AND EXCHANGE ACCESS TELECOMMUNICATIONS
SERVICES AND APPROVING TARIFF

Procedural History

Ionex Communications, Inc. (Applicant), applied to the Commission on March 27, 2000, for a certificate of service authority to provide resold and facilities-based basic local exchange telecommunications services in Missouri under Sections 392.420 - .440, RSMo 1994¹, and Sections 392.410 and .450, RSMo Supp. 1999. On April 12, 2000, the Applicant filed an amendment to its application pursuant to a Commission Order Directing Filing. Applicant asked the Commission to classify it as a competitive company and to waive certain statutes and rules as authorized by Sections 392.361 and 392.420, RSMo. Applicant is a Kansas corporation with its principal offices located at 5710 LBJ Freeway, Suite 215, Dallas, Texas 75240.

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

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The Commission issued a notice and schedule of applicants on April 4, 2000, directing interested parties wishing to intervene to do so by May 4, 2000. The Commission granted permission to intervene to Southwestern Bell Telephone Company (SWBT) on May 9, 2000.

The Applicant, SWBT, the Office of the Public Counsel, and the Staff of the Missouri Public Service Commission (Staff) filed a Unanimous Stipulation and Agreement (Agreement), which is included with this order as Attachment 1, on May 24, 2000. Staff filed Suggestions in Support of the Stipulation and Agreement on May 26, 2000. In the Agreement, the parties waived their rights to present testimony, cross-examine witnesses, present oral argument or briefs, and to seek rehearing or judicial review. 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 requested a hearing in this case, the Commission may grant the relief requested based on the application.

On June 5, 2000, Applicant filed a motion for expedited consideration by the Commission requesting that the Commission waive its customary ten-day period before an order becomes effective, so that it can begin operations on June 12, 2000, as originally proposed. The Applicant states that all parties except SWBT have agreed to the shortened effective period for the Commission's order and that SWBT has indicated that it will take no position on this request.

Discussion

Applicant seeks certification to provide resold and facilities-based basic local exchange telecommunications services in portions of Missouri that are currently served by SWBT, GTE Midwest Incorporated (GTE), and Sprint Missouri, Inc. d/b/a Sprint (Sprint). Applicant is not asking for certification in any area that is served by a small incumbent local exchange provider. Applicant proposes to operate in all of the exchanges described in the incumbent providers' respective local tariffs. Applicant is requesting that its basic local services be classified as competitive and that the application of certain statutes and regulatory rules be waived.

A. Requirements of 4 CSR 240-2.060

Commission rule 4 CSR 240-2.060 requires a foreign corporation applying for certification to provide telecommunications services to include in its application evidence of its authority to conduct business in Missouri from the Secretary of State, a description of the types of service it intends to provide, a description of the exchanges where it will offer service, and a proposed tariff with an effective date which is not fewer than 45 days after the tariff's issue date. Applicant has provided all the required documentation.

B. Basic Local Service Certification

Section 392.455, RSMo Supp. 1999, sets out the requirements for granting certificates to provide basic local telecommunications service to new entrants. A new entrant must: (1) possess sufficient technical, financial and managerial resources and abilities to provide

basic local telecommunications service; (2) demonstrate that the services it proposes to offer satisfy the minimum standards established by the Commission; (3) set forth the geographic area in which it proposes to offer service and demonstrate that such area follows exchange boundaries of the incumbent local exchange telecommunications company and is no smaller than an exchange; and (4) offer basic local telecommunications service as a separate and distinct service. In addition, the Commission must give due consideration to equitable access for all Missourians to affordable telecommunications services, regardless of where they live or their income.

Applicant submitted as Appendix D to its application financial information for the year 2000. Appendix C to the application lists the names and qualifications of Applicant's management team. In addition to academic credentials, the team members have experience in the telecommunications industry including sales, human resources, legal, management, and operations. The parties agreed that Applicant possesses sufficient technical, financial and managerial resources and abilities to provide basic local telecommunications service.

Applicant has agreed to provide services that will meet the minimum basic local service standards required by the Commission, including quality of service and billing standards. The parties agreed that Applicant proposes to offer basic local services that satisfy the minimum standards established by the Commission.

Applicant wishes to be certificated to offer services in all the exchanges presently served by SWBT, GTE, and Sprint as described in their basic local tariffs. The parties agreed that Applicant has

sufficiently identified the geographic area in which it proposes to offer basic local service and that the area follows the incumbent local exchange carriers' exchange boundaries and is no smaller than an exchange.

Applicant has agreed to offer basic local telecommunications service as a separate and distinct service and to provide equitable access, as determined by the Commission, for all Missourians within the geographic area in which it will offer basic local services in compliance with Section 392.455, RSMo Supp. 1999.

C. Competitive Classification

The Commission may classify a telecommunications provider as a competitive company if the Commission determines it is subject to sufficient competition to justify a lesser degree of regulation. Section 392.361.2, RSMo. In making that determination, the Commission may consider such factors as market share, financial resources and name recognition, among others. In the Matter of the Investigation for the Purpose of Determining the Classification of the Services Provided by Interexchange Telecommunications Companies Within the State of Missouri, 30 Mo. P.S.C. (N.S.) 16 (1989); In the Matter of Southwestern Bell Telephone Company's Application for Classification of Certain Services as Transitionally Competitive, 1 Mo. P.S.C. 3d 479, 484 (1992). The Commission has found that whether a service is competitive is a subject for case-by-case examination and that different criteria may be given greater weight depending upon the service being considered. *Supra*, 1 Mo. P.S.C. 3rd at 487. In

addition, all the services a competitive company provides must be classified as competitive. Section 392.361.3, RSMo.

The parties have agreed that Applicant should be classified as a competitive telecommunications company. The parties have also agreed that Applicant's switched exchange access services may be classified as a competitive service, conditioned upon certain limitations on Applicant's ability to charge for its access services. Applicant has agreed "that, unless otherwise ordered by the Commission, Applicant's originating and terminating access rates will be no greater than the lowest Commission approved corresponding access rates in effect for the large ILEC(s) within whose service areas Applicant seeks authority to provide service."² The parties have agreed that the grant of service authority and competitive classification to Applicant should be expressly conditioned on the continued applicability of Section 392.200, RSMo Supp. 1999, and on the requirement that any increases in switched access services rates above the maximum switched access service rates set forth in the agreement must be cost-justified pursuant to Sections 392.220, RSMo Supp. 1999, and 392.230, rather than Sections 392.500 and 392.510.

The parties agreed that waiver of the following statutes is appropriate: Sections 392.210.2, 392.270, 392.280, 392.290, 392.300.2, 392.310, 392.320, 392.330, RSMo Supp. 1999, and 392.340. The parties also agreed that application of these Commission rules could be

² Page 2, Paragraph 2, Unanimous Stipulation and Agreement filed May 24, 2000.

waived: 4 CSR 240-10.020, 4 CSR 240-30.010(2)(C), 4 CSR 240-30.040, 4 CSR 240-32.030(4)(C), 4 CSR 240-33.030, and 4 CSR 240-35.

D. Interconnection Agreements

In the Agreement, the Applicant agreed to provide a written disclosure of all interconnection agreements it has entered into which affect its Missouri service areas. The Applicant filed that notification on May 24, 2000. In that notice, the Applicant stated that an interconnection agreement between Advanced Communications Group (ACG) and SWBT was approved by the Commission in Case No. TO-99-291. The assignment of that interconnection agreement from ACG to Feist Long Distance Services, Inc. (Feist) was approved by the Commission on December 14, 1999, in Case No. TO-2000-274. Feist's change of name to Ionex Communications, Inc., was approved by the Commission on February 24, 2000, in Case No. TO-200-518.

The Applicant also stated that it is in the process of adopting the terms of the arbitrated interconnection agreement between AT&T Communications and GTE, and it is also in the process of adopting an interconnection agreement in the Sprint service area.

E. Tariff

On March 27, 2000, as Appendix B to its application, Applicant filed its Missouri P.S.C. Local Exchange Tariff No. 1 (assigned Tariff No. 200000868), with an effective date of May 11, 2000. Applicant filed an amended tariff page with its amended application on April 12, 2000. On May 1, 2000, the Applicant filed a replacement tariff, Missouri P.S.C. Basic Local Exchange Tariff No. 3, and extended the

effective date of its tariff to June 12, 2000. On May 22 and 24, 2000, Applicant filed additional substitute sheets.

The Commission's Staff reviewed Missouri P.S.C. Basic Local Exchange Tariff No. 3 and filed a memorandum on June 2, 2000. Staff stated that Ionex proposes to offer resold and facilities-based basic local exchange telecommunications service to businesses. Staff stated that it has no objection to the Commission approving Applicant's Missouri P.S.C. Basic Local Exchange Tariff No. 3 as amended to become effective concurrently with its Certificate of Authority to Provide Basic Local Telecommunications Services.

On May 31, 2000, Applicant filed its Missouri P.S.C. Access Tariff No. 4, which was assigned Tariff No. 200001112. The effective date of Tariff No. 200001112 is June 30, 2000. Staff did not include in its recommendation, its review of Tariff No. 20001112. Therefore, the Commission will direct Staff to file a recommendation regarding Tariff No. 20001112.

Findings of Fact

The Missouri Public Service Commission, having considered all of the competent and substantial evidence upon the whole record, makes the following findings of fact:

- A. The Commission finds that competition in the basic local exchange telecommunications market is in the public interest.
- B. The Commission finds that Applicant has met the requirements of 4 CSR 240-2.060.

- C. The Commission finds that Applicant meets the statutory requirements for provision of basic local telecommunications services and has agreed to abide by those requirements in the future. The Commission determines that granting Applicant a certificate of service authority to provide basic local exchange telecommunications services is in the public interest.
- D. The Commission finds that Applicant is a competitive company and should be granted waiver of the statutes and rules set out in the ordered paragraph below.
- E. The Commission finds that Applicant's certification and competitive status should be expressly conditioned upon the continued applicability of Section 392.200, RSMo Supp. 1999, and on the requirement that any increases in switched access services rates above the maximum switched access service rates set forth in the agreement must be cost-justified pursuant to Sections 392.220, RSMo Supp. 1999, and 392.230, rather than Sections 392.500 and 392.510.
- F. The Commission has reviewed Applicant's proposed tariff and Staff's recommendation and finds that the tariff details the services and pricing it proposes to offer. The Commission finds that the proposed tariff should be approved as amended to become effective as ordered below.

Conclusions of Law

The Missouri Public Service Commission has reached the following conclusions of law:

The Commission has the authority to grant certificates of service authority to provide telecommunications service within the state of Missouri. Applicant has requested certification under Sections 392.420 - .440, and Sections 392.410 and .450, RSMo Supp. 1999, which permit the Commission to grant a certificate of service authority where it is in the public interest. Sections 392.361 and .420 authorize the Commission to modify or suspend the application of its rules and certain statutory provisions for companies classified as competitive or transitionally competitive.

The federal Telecommunications Act of 1996 and Section 392.455, RSMo Supp. 1999, were designed to institute competition in the basic local exchange telecommunications market in order to benefit all telecommunications consumers. See Section 392.185, RSMo Supp. 1999.

The Commission has the legal authority to accept a Stipulation and Agreement as offered by the parties as a resolution of the issues raised in this case, pursuant to Section 536.060, RSMo Supp. 1999. Based upon the Commission's review of the applicable law and Stipulation and Agreement of the parties, and upon its findings of fact, the Commission concludes that the Stipulation and Agreement should be approved.

IT IS THEREFORE ORDERED:

1. That the Unanimous Stipulation and Agreement of the parties, filed on May 24, 2000, is approved.

2. That Ionex Communications, Inc., is granted a certificate of service authority to provide basic local telecommunications services in the state of Missouri, subject to the conditions of certification set out above and to all applicable statutes and Commission rules except as specified in this order.

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

Statutes

392.210.2 - uniform system of accounts
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. 1999 - issuance of securities,
debts and notes

Commission Rules

4 CSR 240-10.020 - depreciation fund income
4 CSR 240-30.010(2)(C) - posting of tariffs
4 CSR 240-30.040 - uniform system of accounts
4 CSR 240-32.030(4)(C) - exchange boundary maps
4 CSR 240-33.030 - minimum charges
4 CSR 240-35 - reporting of bypass and
customer-specific arrangements

4. That Ionex Communications, Inc.'s certification and competitive status are expressly conditioned upon the continued applicability of Section 392.200, RSMo Supp. 1999, and on the requirement that any increases in switched access service rates above the

maximum switched access service rates set forth in the agreement must be cost-justified pursuant to Sections 392.220, RSMo Supp. 1999, and 392.230, rather than Sections 392.500 and 392.510.

5. That Tariff No. 200000868 filed by Ionex Communications, Inc., on March 27, 2000, is approved as amended to become effective on June 12, 2000. The tariff approved is:

Missouri P.S.C. Basic Local Exchange Tariff No. 3

Original Title Page

Original Page 1 through Original Page 123

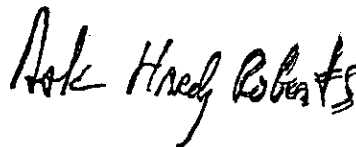
6. That the certificate of service authority to provide basic local exchange telecommunications service shall become effective on June 12, 2000.

7. That the Staff of the Missouri Public Service Commission shall file its recommendation regarding Missouri P.S.C. Access Services Tariff No. 4 (Tariff No. 200001112) on or before June 21, 2000.

8. That this order shall become effective on June 12, 2000.

BY THE COMMISSION

(S E A L)



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Nancy Dippell, 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 7th day of June, 2000.

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

FILED²
MAY 24 2000

Missouri Public
Service Commission

In the matter of the Application of)
Ionex Communications, Inc. for a)
Certificate of Service Authority to)
Provide Basic Local Telecommunications)
Service, for Waiver of Certain)
Statutory and Regulatory Provisions,)
And for Designation as a Competitive)
Telecommunications Company.)

Case No. TA-2000-600

UNANIMOUS STIPULATION AND AGREEMENT

Ionex Communications, Inc. ("Applicant" or "Ionex") initiated this proceeding on March 27, 2000, by filing an Application requesting certificate of service authority to provide basic local telecommunications services in those portions of Missouri that are currently served by Southwestern Bell Telephone Company ("SWBT"), GTE Midwest, Incorporated ("GTE"), and Sprint/United Telephone Company ("Sprint"). The Missouri Public Service Commission ("Commission") has granted the timely application to intervene of SWBT.

A. Standards and Criteria

1. For purposes of this Stipulation and Agreement, the parties agree that applications for basic local service authority in exchanges served by "large" local exchange companies ("LECs")¹ should be processed in a manner similar to that in which applications for interexchange and local exchange authority are currently handled.

¹ Large LECs are defined as LECs who serve 100,000 or more access lines. Section 386.020 RSMo Supp. 1998. In Missouri, the current large LECS are SWBT, GTE and Sprint.

2. In determining whether Ionex' application for certificate of service authority should be granted, the Commission should consider Applicant's technical, financial and managerial resources and abilities to provide basic local telecommunications service. Applicant must demonstrate that the basic local services it proposes to offer satisfy the minimum standards established by the Commission, including but not limited to the filing and maintenance of basic local service tariffs with the Commission in the same manner and form as the Commission requires of incumbent local exchange telecommunications companies ("ILECs") with which applicant seeks to compete. Further, Applicant agrees to meet the minimum basic local service standards, including quality of service and billing standards, as the Commission requires of the ILECs with which applicant seeks to compete. Notwithstanding the provisions of § 392.500 RSMo (1994), as a condition of certification and competitive classification, Applicant agrees that, unless otherwise ordered by the Commission, Applicant's originating and terminating access rates will be no greater than the lowest Commission approved corresponding access rates in effect for the large ILEC(s) within whose service areas Applicant seeks authority to provide service. Further, Applicant agrees to offer basic local telecommunications service as a separate and distinct service and has sufficiently identified the geographic service area in which it proposes to offer basic local service. Such area follows exchange boundaries of the ILECs in the same area and is no smaller than an exchange. Finally, Applicant agrees to provide equitable access to affordable telecommunications services, as determined by the Commission for all Missourians within the geographic area in which it proposes to offer basic local service, regardless of residence or income. See § 392.455 RSMo. Supp. 1999.

3. The parties acknowledge that the Commission is currently examining the extent to which competitive LEC ("CLEC") switched access rates should be regulated in Case No. TO-99-596. Ionex will comply with any applicable Commission order regarding intrastate CLEC switched access rates, and the parties acknowledge that Ionex can comply with any such order notwithstanding any contrary terms contained in this Stipulation.

4. Ionex shall also file and serve a written disclosure of: all interconnection agreements which affect its Missouri service areas; all positions of its Missouri service area for which it does not have an interconnection agreement with an ILEC; and its explanation of why such an interconnection agreement is unnecessary for such areas.

5. Ionex has, pursuant to § 392.420 RSMo, requested that the Commission waive the application of the following statutory provisions and rules to its basic local telecommunications services, and the parties agree that the Commission should grant such request provided that § 392.200 RSMo should continue to apply to all of Ionex' services:

STATUTORY PROVISIONS

§ 392.210.2
§ 392.270
§ 392.280
§ 392.290
§ 392.300.2
§ 392.310
§ 392.320
§ 392.330
§ 392.340

COMMISSION RULES

4 C.S.R. 240-10.020
4 C.S.R. 240-30.010(2)(C)
4 C.S.R. 240-30.040
4 C.S.R. 240-32.030(4)(C)
4 C.S.R. 240-33.030
4 C.S.R. 240-35

6. In negotiating the remaining provisions of this Stipulation and Agreement, the parties employed the foregoing standards and criteria, which are intended to meet the requirements of existing law and §§ 392.450 and 392.455 RSMo regarding applications for certificates of authority to provide basic local telecommunications service.

B. Ionex' Certification

7. Ionex hereby agrees that its application should be deemed amended to include by reference the terms and provisions described in paragraphs 2-5 above.

8. Based upon its verified Application, as amended by this Stipulation and Agreement, Ionex asserts, and no party makes a contrary assertion, that there is sufficient evidence from which the Commission can find and conclude that Ionex:

- (a) possesses sufficient technical, financial and managerial resources and abilities to provide basic local telecommunications service, including exchange access service;
- (b) proposes and agrees to offer basic local services that satisfy the minimum standards established by the Commission;
- (c) has sufficiently identified the geographic area in which it proposes to offer basic local service and such area follows exchange boundaries of the incumbent local exchange telecommunications companies in the same areas, and such area is no smaller than an exchange;
- (d) will offer basic local telecommunications service as a separate and distinct service;
- (e) has agreed to provide equitable access to affordable telecommunications services, as determined by the Commission, for all Missourians within the geographic area in which it proposes to offer basic local service, regardless of where they live or their income; and
- (f) has sought authority which will serve the public interest.

9. Ionex asserts, and no party opposes, that Ionex' application and request for authority to provide basic local telecommunications services should be granted. All services

authorized herein should be classified as competitive telecommunications services provided that the requirements of § 392.200 RSMo continue to apply, and Ionex shall remain classified as a competitive telecommunications company. Ionex asserts, and no party opposes, that such services will be subject to sufficient competition by the services of the ILECs to justify a lesser degree of regulation of Ionex' services consistent with the protection of ratepayers and the promotion of the public interest. Such classification should become effective upon the issuance of a certificate and the tariffs for the services becoming effective. Such authority should be conditional, not to be exercised until such time as tariffs for those services have become effective and the written disclosure stipulated above has been filed. The Commission's Order should state the foregoing conditions substantially as follows:

The service authority and service classification herein granted are subject to the requirements of § 392.200 and are conditional and shall not be exercised until such time as tariffs for services have become effective.

The parties agree that Ionex' switched exchange access services may be classified as competitive services. The parties further agree that Applicant's intrastate switched exchange access services are subject to § 392.200 RSMo. Any increases in intrastate switched access service rates above the maximum switched access service rates as set forth in paragraph 2 herein shall be cost justified and shall be made pursuant to §§ 392.220 and 392.230 RSMo and not §§ 392.500 and 392.510 RSMo. The Commission's Order should state the foregoing conditions substantially as follows:

The service authority and service classification for switched exchange access granted herein is expressly conditioned on the continued applicability of § 392.200 RSMo and the requirement that any increases in switched access service rates above the maximum switched access service rates set forth herein shall be cost justified and shall be made pursuant to §§ 392.220 and 392.230 RSMo and not §§ 293.500 and 392.510 RSMo.

Ionex agrees that, no later than May 24, 2000, it will file and serve a written disclosure of all of its interconnection agreements which affect its Missouri service areas; all portions of its Missouri service areas for which it does not have an interconnection agreement with an ILEC, and its explanation of why such an interconnection agreement is unnecessary for such areas. The Commission's Order should state these obligations substantially as follows:

The Applicant has filed and served upon the parties hereto a written disclosure of: all interconnection agreements which affect its Missouri service areas; all portions of its Missouri service areas for which it does not have an interconnection agreement with an ILEC; and its explanation of why such an interconnection agreement is unnecessary for any such areas.

10. Ionex' request for waiver of the application of the following rules and statutory provisions as they relate to the regulation of Ionex' services should be granted:

STATUTORY PROVISIONS

§ 392.210.2
§ 392.270
§ 392.280
§ 392.290
§ 392.300.2
§ 392.310
§ 392.320
§ 392.330
§ 392.340

COMMISSION RULES

4 C.S.R. 240-10-020
4 C.S.R. 240-30.010(2)(C)
4 C.S.R. 240-30.040
4 C.S.R. 240-32.030(4)(C)
4 C.S.R. 240-33.030
4 C.S.R. 240-35

11. This Stipulation and Agreement has resulted from extensive negotiations among the signatories and the terms hereof are interdependent. In the event the Commission does not adopt this Stipulation and Agreement in total, then this Stipulation and Agreement shall be void and no signatory shall be bound by any of the agreements or provisions hereof. The Stipulations herein are specific to the resolution of this proceeding and are made without prejudice to the rights of the signatories to take other positions in other proceedings.

12. In the event the Commission accepts the specific terms of this Stipulation and Agreement, the parties and participants waive, with respect to the issues resolved herein; their

respective rights pursuant to § 536.070(2) and § 536.080.1 RSMo 1994, to present testimony, to cross examine witnesses, and to present oral argument or written briefs; their respective rights to the reading of the transcript by the Commission pursuant to § 536.080.2 RSMo 1994; and their respective rights to seek rehearing pursuant to § 386.500 RSMo 1994 and to seek judicial review pursuant to § 386.510 RSMo 1994. The parties agree to cooperate with the Applicant and with each other in presenting this Stipulation and Agreement for approval to the Commission and shall take no action, direct or indirect, in opposition to the request for approval of the Ionex application made herein.

13. The Staff shall file suggestions or a memorandum in support of this Stipulation and Agreement, and the other parties shall have the right to file responsive suggestions or prepared testimony. All responsive suggestions or prepared testimony shall be filed within five (5) days from the date of receipt of Staff's suggestions or memorandum in support. All suggestions, prepared testimony or memorandum shall be subject to the terms of the Protective Order entered into in this case.

14. The Staff shall also have the right to provide, at any agenda meeting at which this Stipulation and Agreement is noticed to be considered by the Commission, whatever oral explanation the Commission requests, provided that Staff shall, to the extent reasonably practicable, provide the other parties and participants with advance notice of when the Staff shall respond to the Commission's request for such explanation once such explanation is requested from the Staff. Staff's oral explanation shall be subject to public disclosure, except to the extent it refers to matters that are privileged or protected by disclosure pursuant to any protective order issued in this case.

15. The Office of the Public Counsel is a signatory to this Stipulation and Agreement for the sole purpose of stating that it has no objection to this Stipulation and Agreement.

16. Finally, Ionex will comply with all applicable Commission rules and regulations except those which are specifically waived by the Commission.

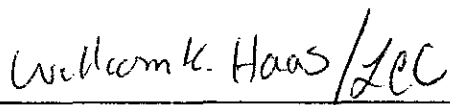
WHEREFORE, the signatories respectfully request the Commission to issue its Order approving the terms of this Stipulation and Agreement and issue its Order granting authority and classification as requested by Ionex, subject to the conditions described above, at its earliest convenience.

RESPECTFULLY SUBMITTED,



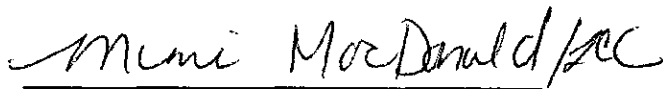
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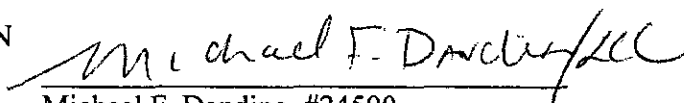
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FYI: To B. Issued By Delegation

ALL/Sec'y: Dignall / Payne

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CASE NO. _____

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Lumpe, Chair

[Signature]
Drainer, Vice Chair

[Signature]
Murray, Commissioner

[Signature]
Schemenauer, Commissioner

[Signature]
Simmons, Commissioner

**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 7th day of June 2000.

[Signature: Dale Hardy Roberts]

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

