

WKT

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 11th
day of May, 2000.

In the Matter of the Application of Choctaw)
Communications, Inc. d/b/a Smoke Signal) Case No. TT-2000-734
Communications® for Expedited Approval) Tariff No. 200000988
of Revisions to its Tariff)

**ORDER GRANTING EXPEDITED TREATMENT
AND ORDER APPROVING TARIFF**

On May 1, 2000, Choctaw Communications, Inc. d/b/a Smoke Signal Communications® (Smoke Signal) filed with the Missouri Public Service Commission (Commission) a proposed revision of its P.S.C. Mo. No. 1 tariff. Smoke Signal filed no pleading, but in its cover letter stated that the filing proposed to revise the following: (1) introducing the Thanks for Your Business Promotion in Section 4.1.1; (2) the inclusion of Smoke Signal's new physical address at the bottom of each revised sheet; (3) adding the registered mark (i.e., ®) to Smoke Signal's trade name, thus making it Smoke Signal Communications®; and (4) various textual revisions to clarify Smoke Signal's current service offerings, all in accordance with the tariff sheets attached to the letter. The issued date of the revisions is May 1, 2000, and the effective date is May 12, 2000.

Smoke Signal requested that, due to an internal error in the original filing of the revisions, the filing be expedited to be effective on May 12, 2000.

Commission Rule 4 CSR 240-2.065(2) states, in part:

When a public utility regulated by the Public Service Commission submits a tariff for commission approval but requests the tariff [to] become effective in less than thirty (30) days . . . [such] request for less than thirty (30)-day approval must state good cause for such treatment.

The Commission found that Smoke Signal stated good cause for expedited treatment. In order for the Commission to consider the expedited treatment, it ordered the Staff of the Commission (Staff) to file its recommendation no later than May 9, 2000.

On May 9, 2000, the Staff filed its recommendation. Staff stated that on May 5, 2000, Smoke Signal filed a substitute page 55.1 which removed from the tariff text the date "May 12, 2000." Staff stated that it had reviewed the proposed tariff sheets, as amended, and recommended the approval on an expedited basis.

The Commission will grant Smoke Signal expedited treatment.

No motions to suspend the tariff, no applications to intervene were filed, and no party requested a hearing. 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 requested a hearing, the Commission may grant the relief requested based on the application.

The Commission finds that Smoke Signal's tariff filing is reasonable, in the public interest, and should be approved.

IT IS THEREFORE ORDERED:

1. That Choctaw Communications, Inc. d/b/a Smoke Signal Communications® is granted expedited treatment for its tariff.

2. That the tariff sheets filed by Choctaw Communications, Inc. d/b/a Smoke Signal Communications®, on May 1, 2000, and as revised on May 5, 2000, are approved for service on and after May 12, 2000. The tariff sheets approved are:

P.S.C. Mo. No. 1
First Revised Sheet No. 3
Original Sheets 3.1
Original Sheet 55.1

3. That this order shall become effective on May 12, 2000.

4. That this case may be closed on May 13, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Crumpton, Murray,
Schemenauer, and Drainer, CC., concur

Hopkins, Senior Regulatory Law Judge