

CJL

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

In the Matter of the Application of Arrival)
Communications, Inc., for a Certificate of)
Service Authority to Provide Intrastate) **Case No. TA-2000-505**
Interexchange and Nonswitched Local Exchange) **Tariff No. 200000748**
Telecommunications Services Within the State)
of Missouri and for Competitive Classifica-)
tion.)

**ORDER APPROVING INTEREXCHANGE AND NONSWITCHED LOCAL EXCHANGE
CERTIFICATES OF SERVICE AUTHORITY AND ORDER APPROVING TARIFF**

Arrival Communications, Inc. (Arrival), applied to the Public Service Commission on February 18, 2000, for certificates of service authority to provide intrastate interexchange and nonswitched local exchange telecommunications services in Missouri under Section 392.410-.450, RSMo 1994, and RSMo Supp. 1999.¹ Arrival 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. Arrival is a Delaware corporation, with its principal office located at 88 Kearney, Suite 1610, San Francisco, California 94108.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on February 22, 2000, directing parties wishing to intervene to file their requests by March 8, 2000. 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.

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

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.

Arrival filed a proposed tariff in conjunction with its
application and filed substitute sheets on March 14, 2000, and
March 20, 2000. The tariff's effective date is April 3, 2000.
Arrival's tariff describes the rates, rules, and regulations it
intends to use, identifies Arrival as a competitive company, and lists
the waivers requested. Arrival intends to provide interexchange and
nonswitched local exchange telecommunications services including 1+,
800/888/877 Services, Directory Assistance, Operator Assistance,
Private Line, and Travel Card services.

In its memorandum filed on March 24, 2000, the Staff of the
Commission (Staff) recommended that the Commission grant Arrival 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,
nonswitched local exchange private line services. Staff recommended
that the Commission grant Arrival competitive status, and waiver of
the statutes and rules listed in the Notice. Staff recommended that
the Commission approve the proposed tariff as amended to become
effective on April 3, 2000.

The Commission finds that competition in the intrastate
interexchange and nonswitched local exchange telecommunications
markets is in the public interest and Arrival should be granted

certificates of service authority. The Commission finds that the services Arrival proposes to offer are competitive and Arrival 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 Arrival's proposed tariff details the services, equipment, and pricing it proposes to offer. The Commission finds that the proposed tariff filed on February 18, 2000, shall be approved as amended to become effective on April 3, 2000.

IT IS THEREFORE ORDERED:

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

3. That Arrival Communications, 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. 1999 - 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

4. That the tariff filed by Arrival Communications, Inc., on February 18, 2000, and assigned Tariff File No. 200000748, is approved as amended to become effective on April 3, 2000. The tariff approved is:

P.S.C. MO Tariff No. 1

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5. That this order shall become effective on April 3, 2000.

6. That this case may be closed on April 4, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Vicky Ruth, 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 March, 2000.