

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

**May 15, 2000**

**CASE NO: TA-2000-625**

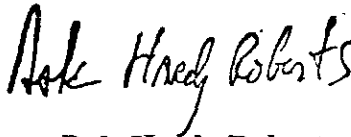
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**Enclosed find certified copy of an ORDER in the above-numbered case(s).**

**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	)	
essential.com, Inc., for a Certificate of	)	<u>Case No. TA-2000-625</u>
Authority to Provide Intrastate Interexchange	)	Tariff No. 200000916
Telecommunications Services Within the State	)	
of Missouri and for Competitive Classification.	)	

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

essential.com, Inc. (essential), applied to the Missouri Public Service Commission (Commission) on April 6, 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.<sup>1</sup> essential 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. essential is a Delaware corporation with its principal office located at 3 Burlington Woods Drive, 4th Floor, Burlington, Massachusetts 01803.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on April 18, 2000, directing parties wishing to intervene to file their requests by May 3, 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.

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<sup>1</sup> 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.

essential filed a proposed tariff in conjunction with its  
application and filed substitute sheets on April 26, 2000. The  
tariff's effective date is May 22, 2000. essential's tariff describes  
the rates, rules, and regulations it intends to use, identifies  
essential as a competitive company, and lists the waivers requested.  
essential intends to provide interexchange and nonswitched local  
exchange telecommunications services including 1+, 800/888/877  
Services, Private Line, and Travel Card services.

In its memorandum filed on May 11, 2000, the Staff of the  
Commission (Staff) stated that essential's proposed services are  
similar to existing IXC offerings. Staff recommended that the  
Commission grant essential 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 essential  
competitive status, and waiver of the statutes and rules as requested.  
Staff recommended that the Commission approve the proposed tariff as  
amended to become effective on May 22, 2000.

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

certificates of service authority. The Commission finds that the services essential proposes to offer are competitive and essential 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 essential's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated inter-exchange and nonswitched local exchange carriers. The Commission finds that the proposed tariff filed on April 6, 2000, shall be approved as amended to become effective on May 22, 2000.

**IT IS THEREFORE ORDERED:**

1. That essential.com, 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 essential.com, 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 essential.com, 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
- 392.240.1 - rates-rentals-service & physical connections
- 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 240-33.030 - minimum charges
- 4 CSR 240-35 - reporting of bypass and  
customer-specific arrangements

4. That the tariff filed by essential.com, Inc., on April 6, 2000, under tariff number 200000916, is approved as amended to become effective on May 22, 2000. The tariff approved is:

Missouri P.S.C. Tariff No. 1  
Original Sheet No. 1 through Original Sheet No. 30

5. That this order shall become effective on May 22, 2000.

6. That this case may be closed on May 23, 2000.

**BY THE COMMISSION**

A handwritten signature in cursive script that reads "Dale Hardy Roberts".

**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

( S E A L )

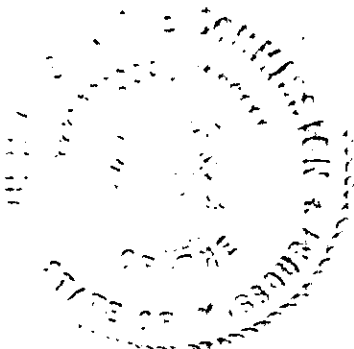
Keith Thornburg, Regulatory Law Judge,  
by delegation of authority pursuant  
to 4 CSR 240-2.120(1) (November 30,  
1995) and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,  
on this 15th day of May, 2000.

**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 15<sup>th</sup> day of May 2000.



*Dale Hardy Roberts*

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**Dale Hardy Roberts**  
Secretary/Chief Regulatory Law Judge