

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of)	
Axon Telecom, L.L.C. for a Certificate)	Case No. TA-2000-156
of Service Authority to Provide Competitive)	<u>Tariff No. 200000133</u>
Intrastate Interexchange Telecommunications)	
Service)	

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY AND ORDER APPROVING TARIFF

Axon Telecom, L.L.C. (Axon) applied to the Public Service Commission on August 18, 1998, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994¹. Axon 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. Axon is a Kentucky corporation, with its principal office located at 450 Pryor Boulevard, Sturgis, Kentucky 42459.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on August 24, directing entities wishing to intervene to file their requests by September 8. 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 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 verified application.

Axon filed a proposed tariff in conjunction with its application
with an effective date of October 4, 1999. Axon's tariff describes
the rates, rules, and regulations it intends to use, identifies Axon
as a competitive company, and lists the waivers requested. Axon
intends to provide interexchange telecommunications services including
Private Line service and dark fiber facilities for lease by other
telecom companies.

In its Memorandum filed on September 16, the Staff of the
Commission stated that Axon's proposed services are similar to
existing interexchange telecommunications offerings. Staff
recommended that the Commission grant Axon 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 October 4, 1999.

The Commission finds that competition in the intrastate
interexchange telecommunications market is in the public interest and
Axon should be granted a certificate of service authority. The
Commission finds that the services Axon proposes to offer are
competitive and Axon 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 Axon's proposed tariff details the services, equipment, and pricing offered, and is similar to tariffs approved for other Missouri certificated interexchange carriers. The Commission finds that the proposed tariff filed on August 18 should be approved to become effective on October 4, 1999.

IT IS THEREFORE ORDERED:

1. That Axon Telecom, 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 Axon Telecom, 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
CSR 240-33.040(5)	-	financing fees

3. That the tariff filed by Axon Telecom, L.L.C. on August 18, 1999, and assigned Tariff File No. 200000133, is approved to become effective on October 4, 1999. The tariff approved is:

P.S.C. Mo. No. 1

Original Sheet No. 1 through Original Sheet No. 13

4. That this order shall become effective on October 4, 1999.
5. That this case may be closed on October 5, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Shelly A. Register, 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 24th day of September, 1999.