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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 17th
day of February, 1995.

In the matter of a joint application of US)
FiberCom Network, Inc. and Mid-Com)
Communications, Inc. for authority to sell,)
purchase and transfer subscriber assets)
and use of other assets Inc. in the state)
of Missouri.)

Case No. TM-94-310

ORDER REGARDING MOTION FOR RECONSIDERATION

On February 6, 1995, Mid-Com Communications, Inc. (Mid-Com) and
US FiberCom Network, Inc. (FiberCom) (jointly referred to as Applicants)
filed their Motion for Reconsideration of the Commission's Order Scheduling
Hearing which was issued on January 25, 1995, in this case. On February
7, 1995, the Commission issued a Notice to the parties stating that any
party wishing to respond to the Motion for Reconsideration shall do so not
later than February 15, 1995. The Commission Staff filed a response on
February 10, 1995, Office of Public Counsel did not respond.

Applicants' Motion prays for reversal of the Commission's
decision to convene a hearing on the application as well as on the
potential or necessity for penalties.

The essence of the Applicants' Motion is based upon the
arguments that: the quantity of customers affected by this transaction is
very small; it is arguable whether or not intrastate authority is required
for this transaction; it is arguable that the assets involved in the
transaction were not necessary or useful in the performance of the
Applicants' duties; there is no detriment to the public interest; all of
FiberCom's customers are now being served by the Mid-Com tariffs; the

Commission has previously approved transactions which were filed out of time and the Applicants are not seeking the transfer of a franchise, permit or certificate.

These arguments, along with various facts asserted, are offered as support for the proposition that no hearing is necessary. However, the hearing is precisely the forum at which these arguments should and must be offered. Our Administrative Procedure Act and the Commission's Rules dictate a fair hearing at which the Applicants may offer evidence on the record and have the opportunity to be heard. This will include the opportunity for the other parties to respond to these arguments. Absent a hearing on the record it would seem that there could not be competent and substantial evidence upon which the Commission may rule. For these reasons, the Commission will proceed with the hearing so that the Applicants may have their opportunity to be heard on the issues which were raised in the Motion for Reconsideration.

The Commission has reviewed the Motion for Reconsideration and finds that the Motion does not remove the necessity for a hearing but rather it attempts to address the issues which should be argued on the record at the hearing which is already scheduled. The Commission finds that the necessity for this hearing remains.

IT IS THEREFORE ORDERED:

1. That the Applicants' request that the hearing scheduled for March 13-14, 1995 be cancelled is denied.
2. That the Commission's Order Scheduling Hearing of January 25, 1995 is hereby reaffirmed.
3. That the parties shall appear as directed in the Order Scheduling Hearing of January 25, 1995.

4. That this order shall become effective on the date hereof.

BY THE COMMISSION

A handwritten signature in cursive script, reading "David L. Rauch".

David L. Rauch
Executive Secretary

(S E A L)

Mueller, Chm., McClure, Perkins
and Crumpton, CC., Concur.
Kincheloe, C., Absent.