

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
February 9, 2000**

CASE NO: TA-2000-400

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Mary Ann (Garr) Young
William D. Steinmeier, P. C.
2031 Tower Drive
P.O. Box 104595
Jefferson City, MO 65109

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

**Catherine Wang Esq./Jeanne W.
Stockman, Esq.**
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N. W., Suite 300
Washington, D. C. 20007-5116

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

Application of BCGI Communications Corp.)	
for a Certificate of Service Authority to)	
Provide Interexchange Telecommunications)	Case No. TA-2000-400
Services in the State of Missouri and for)	Tariff No. 200000605
Competitive Classification)	

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF
SERVICE AUTHORITY AND ORDER APPROVING TARIFF

BCGI Communications Corp. (BCGI) applied to the Missouri Public Service Commission (Commission) on December 30, 1999, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994¹. BCGI 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. BCGI is a Delaware corporation, with its principal office located at 100 Sylvan Road, Woburn, Massachusetts 01801.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on January 11, 2000, directing parties wishing to intervene to file their requests by January 26, 2000. The requirement for a hearing is met

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

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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 has asked permission to intervene or requested a hearing, the Commission may grant the relief requested based on the verified application.

BCGI filed a proposed tariff in conjunction with its application with an effective date of February 13, 2000, with substitute tariff sheets being filed on January 25, 2000. BCGI's tariff describes the rates, rules, and regulations it intends to use, identifies BCGI as a competitive company, and lists the waivers requested. BCGI intends to provide interexchange telecommunications services including debit card services.

On January 13, 2000, the Commission issued a notice of deficiency, stating that BCGI did not include a brief statement of the character of the business performed by BCGI in its application as required by Commission Rule 4 CSR 240-2.060(1)(B). The notice also stated that the Commission could not proceed with this case until BCGI complied with the Commission's rules, either by amending its application to include a brief statement of the character of the business performed by BCGI or by filing a separate pleading which included a brief statement of the character of the business performed by BCGI. On January 25, 2000, BCGI filed a supplement to its application which stated that it is a corporation formed for the purpose of providing interstate and intrastate telecommunications services, which cured the deficiency.

In its Memorandum filed on January 31, 2000, the Staff of the Commission (Staff) stated that BCGI's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant BCGI 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 February 13, 2000.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and BCGI should be granted a certificate of service authority. The Commission finds that the services BCGI proposes to offer are competitive and BCGI 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 BCGI's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated interexchange carriers. The Commission finds that the proposed tariff filed on December 30, 1999, as amended by substitute sheets filed on January 25, 2000, should be approved to become effective on February 13, 2000.

IT IS THEREFORE ORDERED:

1. That BCGI Communications Corp. 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 BCGI Communications Corp. 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
4 CSR 240-33.040(5) - financing fees

3. That the tariff filed by BCGI Communications Corp. on December 30, 1999, and as supplemented by tariff sheets filed January 25, 2000, under tariff number 200000605, is approved to become effective on February 13, 2000. The tariff approved is:

P.S.C. Mo. No. 1

4. That this order shall become effective on February 13, 2000.

5. That this case may be closed on February 14, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Bill Hopkins, Senior 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 9th day February, 2000.

FYI: To Be Issued By Delegation

ALJ/Sec'y: Hopkins/Boyce

2-4
Date Circulated

2-9
Return by 3 p.m.
10 am

TA-2000-400
CASE NO.

[Signature]
Lumpe, Chair

[Signature]
Crumpton, Commissioner

[Signature]
Murray, Commissioner

[Signature]
Schemenauer, Commissioner

[Signature]
Drainer, Vice-Chair

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 9th day of FEBRUARY 2000.



Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge