

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 22nd
day of August, 1997.

In the Matter of the Application of)
Howell-Oregon Technologies, LLC for)
a Certificate of Authority to Provide)
Interexchange and Nonswitched Local)
Telecommunications Services within)
the State of Missouri.)

CASE NO. TA-98-24

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

Howell-Oregon Technologies, LLC (Applicant) applied to the Public Service Commission on July 17, 1997, for a certificate of service authority to provide intrastate interexchange and local exchange telecommunications services in Missouri under §§ 392.420-.440, RSMo 1994,¹ §§ 392.410 and .450, RSMo Supp. 1996. Applicant asked the Commission to classify it as a competitive company and waive certain statutes and rules as authorized by §§ 392.361 and 392.420. Applicant is a Missouri limited liability company, with its principal office located at N. Highway 63, P. O. Box 649, West Plains, Missouri 65775-0649.

The Commission issued a Notice of Applications and Opportunity to Intervene on July 22, directing parties wishing to intervene in the case to file their requests by August 6. 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. 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

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

or requested a hearing in this case, the Commission may grant the relief requested based on the verified application.

Applicant filed a proposed tariff in conjunction with its application and filed substitute sheets on July 30. The tariff's effective date is September 1. Applicant's tariff describes the rates, rules, and regulations it intends to use, identifies Applicant as a competitive company, and lists the waivers requested. Applicant intends to provide interexchange and local exchange telecommunications services including private line services.

In its Memorandum filed on August 14, the Staff of the Commission stated that Applicant's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant Applicant 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 Applicant 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 September 1.

The Commission finds that competition in the intrastate interexchange and local exchange telecommunications markets is in the public interest and Applicant should be granted a certificate of service authority. The Commission finds that the services Applicant proposes to offer are competitive and Applicant should be classified as a competitive company. The Commission is of the opinion that waiving the statutes and Commission rules set out in Ordered Paragraph 3 is reasonable and not detrimental to the public interest.

The Commission determines, by authority of § 392.470, that Applicant should comply with the following regulatory requirements as reasonable and necessary conditions of certification:

- (1) Applicant must comply with reasonable requests by Staff for financial and operating data to allow Staff to monitor the intraLATA toll market. § 386.320.3.
- (2) Applicant must file tariffs containing rules and regulations applicable to customers, a description of the services provided, and a list of rates associated with those services in accordance with 4 CSR 240-30.010 and § 392.220, RSMo Supp. 1996.
- (3) Applicant may not unjustly discriminate between its customers. §§ 392.200, RSMo Supp. 1996, 392.400.
- (4) Applicant must comply with all applicable rules of the Commission except those specifically waived by this order. §§ 386.570, 392.360.
- (5) Applicant must file a Missouri-specific annual report. §§ 392.210, 392.390.1.
- (6) Applicant must comply with jurisdictional reporting requirements as set out in each local exchange company's access services tariffs. § 392.390.3.
- (7) Applicant must submit to the staff, on a confidential basis, a copy of the jurisdictional report it submits to local exchange companies. The report must be submitted within ten (10) days of the date on which it is submitted to the local exchange company.

The Commission finds that Applicant's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar

to tariffs approved for other Missouri certificated interexchange and local exchange carriers. The Commission finds that the proposed tariff filed on July 17 shall be approved as amended to become effective on September 1.

IT IS THEREFORE ORDERED:

1. That Howell-Oregon Technologies, LLC 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 Howell-Oregon Technologies, LLC 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 the conditions of certification set out above.

3. That Howell-Oregon Technologies, LLC be classified as a competitive telecommunications company. 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. 1996	- 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)
4 CSR 240-32.050(4)
4 CSR 240-32.050(5)
4 CSR 240-32.050(6)
4 CSR 240-32.070(4)
4 CSR 240-33.030
4 CSR 240-33.040(5)


- local office record keeping
- telephone directories
- call intercept
- telephone number changes
- public coin telephone
- minimum charges rule
- financing fees

4. That the tariff filed by Howell-Oregon Technologies, LLC on July 17, 1997, is approved as amended to become effective on September 1, 1997. The tariff approved is:

P.S.C. Mo. No. 1

5. That this order shall become effective on September 1, 1997.

BY THE COMMISSION



**Cecil I. Wright
Executive Secretary**

(S E A L)

Lumpe, Ch., Crumpton, Murray,
and Drainer, CC., concur.

ALJ: George