

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Universal)	
Telecommunications, Inc., for a Certificate of Service)	
Authority to Provide Resold Interexchange Telecom-)	<u>Case No. TA-2002-470</u>
munications Services and to Classify Said Services)	Tariff No. 200200844
and the Company as Competitive.)	

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE
AUTHORITY AND ORDER APPROVING TARIFF

This order grants Universal Telecommunications, Inc., a certificate of service authority to provide interexchange telecommunications services and approves the company's proposed tariff.

Universal applied to the Public Service Commission on April 2, 2002, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 2000.¹ Universal 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. Universal is a Delaware corporation with its principal office located at 3781 Presidential Parkway, Atlanta, Georgia 30340.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on April 9, 2002, directing parties wishing to intervene to file their requests by April 24, 2002. The requirement for a hearing is met

¹ All statutory references are to the Revised Statutes of Missouri (RSMo), revision of 2000, unless otherwise indicated.

when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence.² Since no one has asked permission to intervene or requested a hearing, the Commission may grant the relief requested based on the application.

Universal filed a proposed tariff in conjunction with its application and filed a substitute sheet on April 10, 2002. The tariff's effective date is May 17, 2002. Universal's tariff describes the rates, rules, and regulations it intends to use, identifies Universal as a competitive company, and lists the waivers requested. Universal proposes to resell 1+ interexchange telecommunications services and associated operator and directory assistance services to business and residential customers throughout the state of Missouri.

In its Memorandum filed on April 30, 2002, the Staff of the Commission recommended that the Commission grant Universal 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 as amended to become effective on May 17, 2002.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Universal should be granted a certificate of service authority. The Commission finds that the services Universal proposes to offer are competitive and Universal 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.

² *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. 1989).

The Commission finds that Universal's proposed tariff details the services, equipment, and pricing it proposes to offer. The Commission finds that the proposed tariff filed on April 2, 2002, shall be approved as amended to become effective on May 17, 2002.

IT IS THEREFORE ORDERED:

1. That Universal Telecommunications, Inc., 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 Universal Telecommunications, 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
- 392.330 - issuance of securities, debts and notes
- 392.340 - reorganization(s)

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

3. That the tariff filed by Universal Telecommunications, Inc. on April 2, 2002, under tariff number 200200844, is approved as amended to become effective on May 17, 2002. The tariff approved is:

Missouri P.S.C. Tariff No. 1
Original Sheet 1 through Original Sheet 19

4. That this order shall become effective on May 17, 2002.
5. That this case may be closed on May 18, 2002.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Nancy Dippell, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 2nd day of May, 2002.