



Missouri Public Service Commission

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February 8, 2001

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FILED³

FEB 08 2001

Missouri Public
Service Commission

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

RE: Case No. TA-2000-521

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of the **STAFF RESPONSE TO MOTION FOR ORDER DEFERRING TIME TO FILE TARIFFS FOR BASIC LOCAL SERVICE.**

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

Marc D. Poston
Senior Counsel
(573) 751-8701
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MP/lb
Enclosure
cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED³
FEB 08 2001

Missouri Public
Service Commission

In the Matter of the Application of @link)
Networks, Inc., for a Certificate of Service)
Authority to Provide Basic Local)
Telecommunications Service in Portions of)
the State of Missouri and for Competitive)
Classification.)

Case No. TA-2000-521

**STAFF RESPONSE TO MOTION FOR ORDER DEFERRING
TIME TO FILE TARIFFS FOR BASIC LOCAL SERVICE**

COMES NOW the Staff of the Missouri Public Service Commission ("Staff") and for its response to @Link Networks, Inc.'s ("@Link") Motion for Order Deferring Time to File Tariffs for Basic Local Service respectfully states as follows:

1. On October 12, 2000, the Commission issued its *Order Granting Certificate to Provide Basic Local Telecommunications Services*. The *Order* bore an effective date of October 22, 2000. In its *Order*, the Commission granted @Link a certificate to provide basic local telecommunications service on the condition that the certificate is to become effective when the company's tariff becomes effective. The *Order* directed @Link to submit a tariff with a 45-day effective date within 30 days after approval of an interconnection agreement. @Link's Interconnection Agreement with Southwestern Bell Telephone Company was approved by the Commission in Case No. TA-2001-228 by an *Order* effective on December 18, 2000. On January 29, 2001, @Link filed its Motion for Order Deferring Time to File Tariffs for Basic Local Service. In its Motion, @Link states that it has "indefinitely postponed its offering of basic local telecommunications services in Missouri." For this reason, @Link requests that the Commission "indefinitely defer the filing of a tariff for its provision of basic local service."

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2. Pursuant to Section 392.410 RSMo. 2000, a certificate of service authority shall become null and void if the authority granted by the certificate is not exercised within a period of one year from issuance. However, as stated above, the Commission's *Order* granting the certificate of service authority is to become effective when @Link's tariffs become effective. This would appear to indicate that Section 392.410 RSMo 2000 would not apply since the effectiveness of the certificate of service authority, and the one-year time limit for exercising the granted authority, is conditioned upon @Link's tariffs being approved.

3. The Staff sees little difference between a certificate of service authority that is issued and not exercised within one year, and an instance where a company is conditionally granted a certificate and similarly fails to exercise its authority within one year. Accordingly, the Staff recommends that the Commission deny @Link its request to indefinitely defer the tariff filing and instead grant @Link until September 7, 2001 to file its tariffs with a 45-day effective date. The 45-day effective date on the tariffs will allow @Link's tariffs to be approved by October 22, 2001, one year from the effective date of the Commission's *Order* granting the certificate.

WHEREFORE, the Staff respectfully requests that the Commission deny @Link's request to indefinitely defer the tariff filing and instead grant @Link until September 7, 2001 to file its tariffs.

Respectfully submitted,

DANA K. JOYCE

General Counsel



Marc D. Poston

Senior Counsel

Missouri Bar No. 45722

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the service list below this 8th day of February 2001.



**Service List for
Case No. TA-2000-521
Revised: February 8, 2001 (lb)**

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