

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
October 5, 1999**

CASE NO: TM-99-381

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

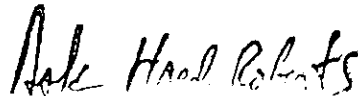
James M. Fischer
101 West McCarty, Suite 215
Jefferson City, MO 65101

Robert Stankey
Primus Telecommunications, Inc.
1700 Old Meadow Road, 3rd Flr.
McLean, VA 22102

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102
Adam L. Kupetsky/Douglas D. Orvis
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007

Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Uncertified Copy:

At a session of the Public Service Commission held at its office in Jefferson City on the 5th day of October, 1999.

SECOND SUPPLEMENTAL ORDER REGARDING MERGER

Primus did not file tariff revisions on or before June 10, 1999, as ordered. Instead, on June 24, 1999, Primus informed the Commission by letter that the merger was not moving as quickly as originally contemplated. Primus requested that the certificate and tariffs of TresCom "remain applicable to former TresCom customers until the transaction is completed and a Primus tariff is filed with the Commission

as a replacement." Accordingly, the Commission by Order issued on July 8, 1999, extended the life of TresCom's certificate and tariffs for 90 days after July 10, 1999, in order to avoid any inconvenience to TresCom's customers. The Commission directed Primus to file any necessary and appropriate tariff revisions by September 8, 1999, and cancelled the tariffs and certificate of TresCom as of October 8, 1999.

Primus failed to file tariff revisions on or before September 8, 1999. Therefore, on September 17, 1999, the Commission directed Primus to file its status report on or before September 24, 1999, advising the Commission as to its compliance with the Order of July 8, 1999, and including a succinct explanation for its non-compliance. On September 27, 1999, Primus filed its revised tariff, with an effective date of October 27, 1999. Primus did not offer any explanation for its failure to comply with the Commission's Order of July 8, 1999. Primus also explained that the merger with TresCom was still not yet consummated, but that consummation was "imminent."

It appears that Primus' failure to promptly comply with the Orders of this Commission has left the Missouri customers of TresCom in a difficult position. TresCom's certificate and tariffs are cancelled as of October 8, 1999, yet Primus' tariff revisions, intended to adopt TresCom's rates and rules for the benefit of TresCom's former customers, will not take effect until October 27, 1999. Primus has not informed the Commission as to what rates these customers will be charged between October 8 and October 27; neither has Primus explained what services will be available to these customers between October 8 and October 27.

Rather than see TresCom's Missouri customers inconvenienced by Primus' failure to act in this matter, the Commission will, *sua sponte*, extend the life of TresCom's certificate and tariffs to October 27, 1999.

IT IS THEREFORE ORDERED:

1. That the certificate of service authority and tariffs of TresCom USA, Inc., shall be canceled on October 27, 1999, rather than on October 8, 1999, as previously ordered.

2. That Primus Telecommunications, Inc., and TresCom USA, Inc., shall advise the Commission of the status of their merger by a pleading to be filed in this case on October 22, 1999.

3. That this Order shall become effective on October 15, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Drainer, Murray, and
Schemenauer, CC., concur.
Crumpton, C., absent.

Thompson, Deputy Chief Regulatory Law Judge

ALJ/Sec'y: Thompson/Rope

10-4 TM-99-381
Date Circulated CASE NO.

DL
Lumpe, Chair
ALUNT
Crumpton, Commissioner
am
Murray, Commissioner
DL
Schemenauer, Commissioner
DL
Drainer, Vice-Chair

10-5
Agenda Date

Action taken: 4-0 A#

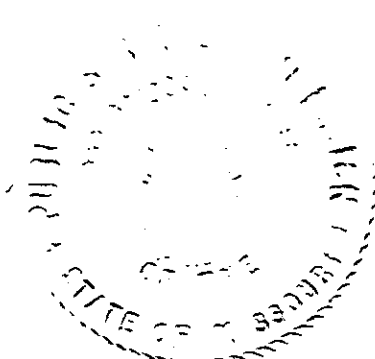
Must Vote Not Later Than _____

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 05^h day of October, 1999.



Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge