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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Airnex)	
Communications, Inc., for a Certificate)	
of Service Authority to Provide Competitive)	Case No. TA-99-355
Intrastate Interexchange Telecommunications)	Tariff No. 9900610
Services within the State of Missouri)	

ORDER APPROVING INTEREXCHANGE
CERTIFICATE OF SERVICE AUTHORITY AND ORDER APPROVING TARIFF

Airnex Communications, Inc. (ACI) applied to the Public Service Commission on February 22, 1999, for a certificate of service authority to provide intrastate interexchange in Missouri under Section 392.410-.450, RSMo 1994, and RSMo Supp. 1998¹. ACI 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. ACI is a California corporation, with its principal office located at 3000 Executive Parkway, Suite 111, San Ramon, California 94583.

The Commission issued a Notice of Application and Opportunity to Intervene on March 2, 1999, directing parties wishing to intervene to file their requests by March 17, 1999. 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

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

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

ACI filed a proposed tariff in conjunction with its application. The tariff's effective date is April 9, 1999. ACI's tariff describes the rates, rules, and regulations it intends to use, identifies ACI as a competitive company, and lists the waivers requested. ACI intends to provide interexchange telecommunications services including 1+ dialing, 800/888/877 services, directory assistance, debit card services, and travel card services.

In its Memorandum filed on March 26, 1999, the Staff of the Commission stated that ACI's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant ACI a certificate of interexchange service authority. Staff recommended that the Commission grant ACI 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 April 9, 1999.

The Commission finds that competition in the intrastate interexchange telecommunications markets is in the public interest and that ACI should be granted a certificate of service authority. The Commission finds that the services ACI proposes to offer are competitive and ACI 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 ACI'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 February 22, 1999 shall be approved to become effective on April 9, 1999.

IT IS THEREFORE ORDERED:

1. That Airnex Communications, Inc. 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 Airnex Communications, Inc. 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 Airnex Communications, Inc. as tariff number 9900610 on February 22, 1999 is approved, to become effective on April 9, 1999. The tariff approved is:

Missouri P.S.C. Tariff No. 1

- 4. That this order shall become effective on April 9, 1999.
- 5. That this case may be closed on April 10, 1999.

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 6th day of April, 1999.

