

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 23rd  
day of February, 1996.

Application of XIEX Telecommuni- )  
cations, Inc. for Authority )  
under Certificate of Convenience ) CASE NO. TA-96-194  
and Necessity to operate as a )  
Reseller of Public Telecommuni- )  
cation Service in Missouri. )

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY AND  
ORDER APPROVING TARIFF

XIEX Telecommunications, Inc. (XIEX) applied to the Public Service Commission on December 15, 1995, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under § 392.440 RSMo 1994<sup>1</sup>. XIEX 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 Nevada corporation, with its principal office at 800 Gessner, Suite 900, Houston, Texas 77024.

The Commission issued a Notice and Schedule of Applicants on January 2, 1996, directing parties wishing to intervene in the case to do so by January 17, 1996. On January 17, 1996, Southwestern Bell Telephone Company (SWBT) filed a Request For Clarification, Or In The Alternative, Application For Intervention, which expressed concern that while the

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<sup>1</sup>All statutory references are to Revised Statutes of Missouri 1994.

Commission's Notice treated XIEX's application as a request for a certificate to provide intrastate interexchange telecommunications services, the application was ambiguous and could be construed to be seeking authority to provide local exchange telecommunications services. On January 24, 1996, XIEX filed an amended application, which clarified that it was seeking authority to provide intrastate interexchange telecommunications services, and on January 26, 1996 SWBT filed a motion withdrawing its application for intervention. Since SWBT has withdrawn its application for intervention, and no one else has requested a hearing or permission to intervene, the Commission determines that no hearing is necessary. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo.App. 1989).

XIEX filed a proposed tariff at the time of its application, on December 15, 1995, and filed substitute sheets on February 13, 1996. The tariff's effective date was originally February 1, 1996, but was subsequently extended to March 1, 1996. XIEX's tariff describes the rates, rules, and regulations it intends to use, identifies XIEX as a competitive company, and lists the waivers requested. XIEX intends to provide interexchange telecommunications services including 1+, 800, WATS, private line, debit card, and travel card services.

In its Memorandum filed February 14, 1996, the Staff of the Commission stated that Applicant's proposed services are the same or equivalent to those classified as competitive in Case No. TO-88-142, *In re the investigation for the purpose of determining the classification of the*

*services provided by interexchange telecommunications companies within the State of Missouri*, 30 Mo. P.S.C. (N.S.) 16 (September 1989). Staff recommended that the Commission grant Applicant 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 tariff as amended, effective March 1, 1996.

The Commission finds that competition in the intrastate interexchange telecommunications market 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 2 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.

- (3) Applicant may not unjustly discriminate among its customers.  
§§ 392.200, 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 XIEX'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 December 15, 1995, and amended on February 13, 1996, should be approved, effective March 1, 1996.

**IT IS THEREFORE ORDERED:**

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

Commission Rules

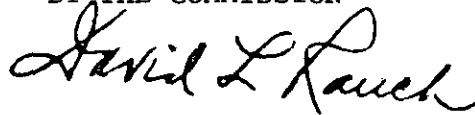
- 4 CSR 240-10.020 - depreciation fund income
- 4 CSR 240-30.010(2)(C) - rate schedules
- 4 CSR 240-30.040(1) - Uniform System of Accounts
- 4 CSR 240-30.040(2) - Uniform System of Accounts
- 4 CSR 240-30.040(3) - Uniform System of Accounts
- 4 CSR 240-30.040(5) - Uniform System of Accounts
- 4 CSR 240-30.040(6) - 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 XIEX Telecommunications, Inc. on December 15, 1995, be approved as amended, effective March 1, 1996. The tariff approved is:

P.S.C. Mo. No. 1

4. That this order shall become effective on March 1, 1996.

BY THE COMMISSION



David Rauch  
Executive Secretary

(SEAL)

Zobrist, Chm., McClure,  
Kincheloe, Crumpton and Drainer,  
CC., Concur.