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(1080)

Case No. TA-99-181

ORDER AND NOTICE

On June 9, 1999, CDM Property Management LLC (Applicant), a Missouri corporation, filed an application with the Commission seeking authority to provide private shared tenant services (STS) at an office building located at 11970 Borman Drive in St. Louis. CDM amended that application on June 16, 1999. CDM already holds a certificate to provide STS at an office building located at 11756 Borman Drive.

This application is filed pursuant to Section 392.410, RSMo Supp. 1996, providing that no telecommunications company not exempt from that subsection shall transact any business in this state until it shall have obtained a certificate of service authority.

Pursuant to Section 392.520, RSMo 1994, STS telecommunications services shall be subject to the minimum regulation permitted by Chapter 392 for competitive telecommunications services. Section 392.520 further provides that the Commission shall exempt STS telecommunications services from even those tariff filing requirements applicable to other competitive telecommunications services.

Proper parties should be given notice and an opportunity to intervene. The Records Department shall send a copy of this order to the

telephone company rendering local exchange service to the locations covered by the application.

The requirement of a hearing is met when an opportunity to be heard 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). Therefore, if no party requests a hearing, the Commission may find that no hearing is necessary and grant the relief requested based on the verified application.

IT IS THEREFORE ORDERED:

1. That any interested party wishing to intervene in this case shall file an application to do so no later than August 4, 1999 with:

Dale Hardy Roberts, Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

and send copies to:

Colleen M. Dale
11756 Borman Drive
St. Louis, Missouri 63146

and

Office of the Public Counsel
Post Office Box 7800
Jefferson City, Missouri 65102

2. That the Records Department of the Commission shall send notice as herein stated.

3. That this order shall become effective on July 26, 1999.

BY THE COMMISSION

A handwritten signature in dark ink, appearing to read "Dale Hardy Roberts". The signature is written in a cursive, somewhat stylized script.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lewis Mills, Deputy Chief 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 15th day of July, 1999.

RECEIVED

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION