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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 3rd  
day of February, 1998.

In the Matter of United Telephone Long       )  
Distance Company of the Midwest's Request    )  
for Cancellation of its Tariff.                )       CASE NO. TD-97-346

**ORDER DENYING INTERVENTION AND CANCELING TARIFF**

United Telephone Long Distance Company of the Midwest (United L.D.) filed a letter with the Missouri Public Service Commission (Commission) on February 24, 1997 requesting that it be allowed to withdraw its tariff effective February 28. The letter indicated that United L.D. would no longer provide service to customers within the State of Missouri after that date, and attached a copy of the notification which had been sent to existing customers. United L.D. further requested that it be allowed to retain its certificate of service authority.

MCI Telecommunications Corporation (MCI) filed an application to intervene on April 3, stating that United L.D.'s action and the Commission's decision may affect MCI's interest as a provider of intrastate interexchange services. United L.D. filed a pleading in opposition to MCI's application to intervene on April 11. United L.D. stated that it was a competitor of MCI for interexchange service, but has ceased operations. United L.D. stated that MCI cannot force United L.D. to remain in operation, nor force customers to remain with United L.D. if they wish to switch to MCI, AT&T, Sprint Communications Company L.P. (Sprint L.P.), or any other interexchange carrier, nor does MCI have a right to insist on the continuation of United L.D.'s tariff in whole or in part. United L.D. also noted that MCI had served it with a data request seeking the name and

address of every former customer of United L.D., and asserted that MCI is attempting to use its intervention request as a vehicle to obtain highly sensitive customer proprietary information.

The Staff of the Commission (Staff) filed a memorandum containing its recommendation on April 17. Staff noted that United L.D. was granted a certificate of service authority to provide interexchange telecommunications service in Case No. TA-87-91<sup>1</sup>, and that United L.D. changed its corporate name to United Teleservices, Inc. d/b/a United Telephone Long Distance of the Midwest in Case No. TO-91-256. Staff stated that United L.D., which is a subsidiary of Sprint Corporation, arranged to have its customers switched over to another subsidiary, Sprint L.P., effective February 21, 1997. Staff stated that a copy of the customer notification was sent to the 9,218 customers of United L.D. in January of 1997. Customers who did not wish to be switched to Sprint's service were given a number to contact for service by another interexchange carrier. Customers were not charged for the primary interexchange carrier (PIC) changes. Staff also stated that United L.D. requested that its certificate of service authority not be canceled at this time, and noted that the Commission previously approved a similar request for Transcall America, Inc. in Case No. TD-91-169. Staff stated that it has no objection to allowing United L.D. to retain its certificate of service authority for a specific length of time, and thus recommended that if United L.D. does not

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<sup>1</sup>Although Staff states that United L.D. was granted a certificate of service authority in Case No. TA-87-91, the Commission notes that in fact United L.D.'s application for a certificate was denied in that case. See In re The Application of United Telephone Long Distance Company of the Midwest, 29 Mo. P.S.C. (N.S.) 185 (1987). However, United L.D. was subsequently granted a certificate of service authority to provide interexchange telecommunications service in Case No. TA-88-260. See In re The Application of United Telephone Long Distance Company of the Midwest, 29 Mo. P.S.C. (N.S.) 531(1989).

exercise its authority to provide interexchange telecommunications services within one year from the date the tariff is canceled, that the certificate of service authority be canceled at that time. Staff further recommended that the Commission issue an order canceling United L.D.'s tariff.

The Commission finds that MCI's request for intervention should be denied. This is not the type of case in which the Commission ordinarily establishes an intervention period. MCI has not complied with 4 CSR 240-2.075(2), in that MCI does not explain how it will be affected by the Commission's decision, nor does it indicate whether it supports or opposes the relief sought. The Commission will deny the intervention request.

The Commission has reviewed the case file, and finds that United L.D.'s tariff should be canceled as requested. United L.D. has ceased providing long distance service to customers in Missouri. Customers were notified approximately three weeks in advance of the cessation of service by United L.D. Customers were told that on the date United L.D. stopped offering long distance service, they would be provided long distance service by Sprint L.P.. Customers were also informed of what steps to take if they preferred to have long distance service provided by a company other than Sprint. Regardless of the long distance company chosen, customers were not assessed a PIC charge. The Commission also notes that since United L.D. was not certificated until 1989, Section 392.460, RSMo. 1994, regarding abandonment of service, does not apply. The Commission thus finds that it would be appropriate to cancel United L.D.'s tariff. However, the Commission agrees with Staff that a time limit should be placed on United L.D.'s retention of its certificate of service authority. The Commission will direct the Staff to investigate at the end of one year from the date United L.D.'s tariff is canceled, and if United L.D. has not taken steps to exercise its authority under the certificate by that time,

Staff should file a memorandum recommending that the certificate of service authority be canceled. In the interim, United L.D. is reminded that pursuant to Section 392.220, RSMo. Supp. 1997, it may not provide service under its certificate without a Commission-approved tariff in place.

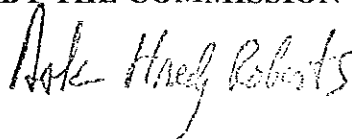
**IT IS THEREFORE ORDERED:**

1. That the current tariff of United Telephone Long Distance Company of the Midwest is canceled.

2. That the Staff of the Commission shall investigate after February 13, 1999 whether United Telephone Long Distance Company of the Midwest has taken steps to exercise its authority under its certificate of service authority, and shall file a memorandum recommending whether the Company's certificate of service authority should be cancelled.

3. That this order shall become effective on February 13, 1998.

**BY THE COMMISSION**



**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

(S E A L)

Lumpe, Ch., Crumpton,  
Murray, and Drainer,  
CC., Concur.

Bensavage, Regulatory Law Judge

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**FEB 03 1998**

**COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION**