

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY**

**August 26, 1999**

**CASE NO: TA-2000-23, TA-2000-24, TA-2000-25,  
TA-2000-27**

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

Sincerely,



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

**Uncertified Copy:**

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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 26th  
day of August, 1999.

In the Matter of the Application of )  
Fiber Four Corporation d/b/a KLM Long )  
Distance for a Certificate of Service ) Case No. TA-2000-23  
Authority to Provide Interexchange and ) (Tariff No. 200000049)  
Local Exchange Telecommunications Services )  
Telecommunications Service in Missouri )

In the Matter of the Revised Tariff ) Case No. TA-2000-24  
Filing of Fiber Four Corporation ) (Tariff No. 200000048)  
d/b/a Holway Long Distance )

In the Matter of the Revised Tariff ) Case No. TA-2000-25  
Filing of Fiber Four Corporation ) (Tariff No. 200000047)  
d/b/a Iamo Long Distance )

In the Matter of the Application of Fiber )  
Four Corporation d/b/a Rock Port Long ) Case No. TA-2000-27  
Distance for a Certificate of Service ) (Tariff No. 200000046)  
Authority to Provide Interexchange and )  
Local Exchange Telecommunications Services )

(Consolidated)

**ORDER REGARDING TEMPORARY AUTHORITY  
PURSUANT TO SECTION 392.410.6, RSMo 1998,  
ORDER GRANTING INTERVENTION,  
AND ORDER DENYING CONSOLIDATION**

The above-captioned cases involve applications from Fiber Four Corporation doing business under fictitious names for certificates of service authority to provide interexchange and local exchange telecommunications services pursuant to Chapter 392 of the Revised

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Statutes of Missouri. These cases were consolidated by Order of the Commission on August 3, 1999. On August 10, 1999, IAMO substituted tariff sheets, stating that the purpose of the substitution was to replace the entire tariff previously filed to correct the tariff number designation as well as to correct several typographical errors. On August 11, 1999, the Staff of the Missouri Public Service Commission (Staff) filed its memorandum in case number TA-2000-25, recommending that Fiber Four d/b/a IAMO Long Distance (IAMO) be granted a certificate to provide interexchange telecommunications services and a certificate to provide local exchange telecommunications services, restricting local exchange authority to dedicated, private line services. On August 19, 1999, the Staff filed its memorandum in case number TA-2000-23, recommending that Fiber Four Corporation d/b/a KLM Long Distance (KLM) be granted a certificate to provide interexchange telecommunications services and a certificate to provide local exchange telecommunications services, restricting local exchange authority to dedicated, private line services.

#### Temporary Authority

On July 15, 1999, Fiber Four Corporation d/b/a Holway Long Distance (Holway) filed its application for a certificate of service authority to provide intrastate interexchange and local exchange telecommunication services. Holway also filed a Motion to Expedite Application and Tariff Approval or To Grant Interim Authority and Approval.

On July 29, 1999, the Commission issued its Order in TA-2000-24 granting Holway a temporary certificate of service authority to provide

intrastate interexchange and local exchange telecommunications services pending determination of its application filed July 15, 1999, and approving the tariff filed in Tariff File No. 200000048 for service to be rendered on or after August 1, 1999.

On July 15, 1999, Fiber Four Corporation d/b/a Rock Port Long Distance (Rock Port) filed its application for a certificate of service authority to provide intrastate interexchange and local exchange telecommunication services. Rock Port also filed a Motion to Expedite Application and Tariff Approval or To Grant Interim Authority and Approval<sup>1</sup>.

On July 29, 1999, the Commission issued its Order in TA-2000-27 granting Rock Port a temporary certificate of service authority to provide intrastate interexchange and local exchange telecommunications services pending determination on its application filed July 15, 1999, and approving the tariff filed in Tariff File No. 200000046 for service to be rendered on or after July 30, 1999.

The Commission has reviewed the pleadings in TA-2000-23, i.e., KLM, and TA-2000-25, i.e., IAMO, and finds that good cause exists to grant a temporary certificate of service authority to provide intrastate interexchange and local exchange telecommunications services pending the determination of an application for a certificate in each of those cases.

The Commission is authorized by statute to:

Issue a temporary certificate which shall remain in force not to exceed one year to assure maintenance

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<sup>1</sup> Rock Port filed additional tariff sheets on August 9, 1999, in case number TT-2000-106.

of adequate service or to serve particular customers, without notice and hearing, pending the determination of an application for a certificate.

Section 392.410.6, RSMo Supp. 1998. Issuing temporary certificates will assure maintenance of adequate service to KLM's and IAMO's customers and ensure that KLM and IAMO will be able to implement their intraLATA dialing parity plan, as authorized by the Commission in case number TO-99-508, while continuing "1+" interLATA toll service to all KLM and IAMO customers. The Commission on its own motion will grant KLM and IAMO temporary certificates of service authority to provide intrastate interexchange and local exchange telecommunications services as requested, pending the determination of their applications and will approve their accompanying tariffs, as revised in IAMO's instance.

Granting Intervention and Denying Consolidation

On July 30, 1999, AT&T Communications of the Southwest (AT&T) filed its Application to Intervene and Motion to Consolidate in all four cases.

AT&T stated that it is a competitive interexchange telecommunications company. AT&T stated that it did not oppose approval of the applications or the accompanying tariffs. AT&T stated that the effect of the proposed tariffs was to put in place a rate structure identical to that in AT&T's proposed intraLATA overlay plan tariff (overlay), which has been suspended by the Commission. This is an apparent reference to TT-2000-22. AT&T stated that Fiber Four or its affiliates requested such suspension based on their contention that AT&T's overlay constituted geographic deaveraging of rates. AT&T stated that to the extent that Fiber Four's proposed tariffs are similar to

AT&T's overlay, they must be treated and processed in the same manner. AT&T stated that Fiber Four's tariffs should not be approved and should be suspended until such time as the Commission resolves the issue associated with AT&T's overlay. AT&T stated that time and resources may be conserved by consolidation of Fiber Four's applications with AT&T's overlay. AT&T stated that its interests are different than that of the general public and that no other party can adequately protect those interests. AT&T stated that its intervention is in the public interest because of its interest in enhancing competition and because of its expertise in the telecommunications industry.

On August 9, 1999, Fiber Four filed its Response to AT&T's application to intervene and motion to consolidate. Fiber Four stated that its applications for certificates of service authority were clearly distinguishable from AT&T's overlay, i.e., Fiber Four will offer services to all customers in the exchanges where it seeks certificates under the same tariff terms, conditions, and rates. Conversely, Fiber Four states that the effect of AT&T's overlay will be that AT&T would provide its proposed services only in a part of the area where it has certificates and tariffs in place.

Fiber Four also opposed AT&T's intervention. For example, Fiber Four argues that AT&T does not oppose Fiber Four's applications or the accompanying tariffs, and that AT&T is not now nor does it propose to be a customer of Fiber Four's competitively classified services.

On August 9, 1999, Staff filed its Response to AT&T's application to intervene and motion to consolidate. Staff stated that AT&T's overlay

are tariffs filed by AT&T limited in geographic scope to Southwestern Bell Telephone Company's area. But, Staff stated, Fiber Four is seeking separate certificates of service authority for each name under which it is doing business with separate tariffs for each such name. Staff stated that this practice was previously approved by the Commission in case numbers TA-94-51, TO-95-321, and TO-96-381. Staff stated that there are no common issues of law or questions of fact in AT&T's overlay and Fiber Four's cases and thus Staff opposed consolidation. Staff also opposed AT&T's intervention because it said that AT&T had not made a showing under Commission Rule 4 CSR 240-2.075(4) that AT&T has an interest different from the general public or that granting the intervention would serve the public interest.

On August 11, 1999, AT&T filed its Reply to the Responses of Fiber Four and Staff. AT&T disputes that Fiber Four is seeking certificates of service authority in four separate and distinct service areas under four separate and distinct fictitious names. AT&T also disputes that Fiber Four does not purport to serve the entire State of Missouri. AT&T stated that Fiber Four's applications ". . . clearly requests authority to provide interexchange service on a statewide basis." AT&T examines each of the filings and then concludes that "[i]t is readily apparent that, if granted, these four applications would give . . . Fiber Four . . . a total of five statewide certificates of service authority to provide interexchange services." AT&T also stated that the tariffs charge different rates in different geographic areas defined by the service area of the respective incumbent local exchange carrier. AT&T

states that this "obviously constitutes geographic deaveraging. . . ."

AT&T also reiterated several of its arguments included in its first motion, including arguments concerning consolidation and intervention.

The Commission has reviewed the application to intervene filed by AT&T and finds that it is in compliance with Commission Rule 4 CSR 240-2.075(4), that AT&T has interests in this matter that are different from that of the general public, and that granting the intervention is in the public interest. The Commission will grant AT&T intervention.

The Commission has reviewed the motion to consolidate filed by AT&T and finds that, there are no similar issues of law and questions of fact in AT&T's overlay and these cases, and that there is no reason to grant consolidation of AT&T's overlay and these cases. The Commission will deny AT&T's motion to consolidate.

**IT IS THEREFORE ORDERED:**

1. That Fiber Four Corporation d/b/a KLM Long Distance is granted a temporary certificate of service authority to provide intrastate interexchange and local exchange telecommunications services pending determination on its application filed July 15, 1999.

2. That Tariff File No. 2000049, submitted in Case No. TA-2000-23 by Fiber Four Corporation d/b/a KLM Long Distance, is hereby approved for service to be rendered on or after August 30, 1999:

Fiber Four Corporation d/b/a KLM Long Distance P.S.C Mo. No. 4  
Original Sheets 1-42

3. That Fiber Four Corporation d/b/a IAMO Long Distance is granted a temporary certificate of service authority to provide



intrastate interexchange and local exchange telecommunications services pending determination on its application filed July 15, 1999.

4. That Tariff File No. 2000047, submitted in Case No. TA-2000-25 by Fiber Four Corporation d/b/a IAMO Long Distance, and as revised by its August 10, 1999 filing, is hereby approved for service to be rendered on or after August 30, 1999:

Fiber Four Corporation d/b/a IAMO Long Distance P.S.C Mo. No. 1  
Original Sheets 1-45, as revised

5. That AT&T Communications of the Southwest is granted intervention.

6. That AT&T's motion to consolidate is denied.

7. That this order shall become effective August 30, 1999.

BY THE COMMISSION



Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

(S E A L)

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

Hopkins, Senior Regulatory Law Judge

**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.

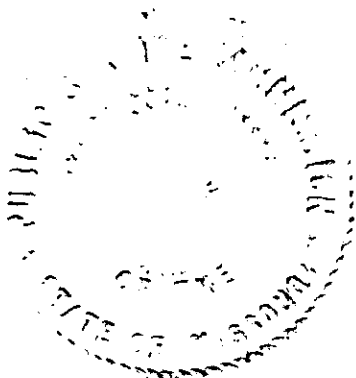
WITNESS my hand and seal of the Public Service Commission, at Jefferson  
City,

Missouri, this 26TH day of AUGUST, 1999.

*Dale Hardy Roberts*

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



**Evan Copsey**

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Holway Long Distance

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