

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 6th  
day of June, 2000.

In the Matter of the Application of Missouri )  
State Discount Telephone for a Certificate of )  
Authority to Provide Basic Local )  
Telecommunications Service and Long Distance ) Case No. TA-2000-204  
Service in the State of Missouri and to Classify )  
Said Services and Missouri Discount Telephone )  
as Competitive )

ORDER DENYING MOTION TO SCHEDULE NEW HEARING AND  
DENYING REQUEST FOR REHEARING

On April 27, 2000, the Commission issued an Order Dismissing Application that dismissed the Application for Certificate of Service Authority and for Competitive Classification filed by Missouri State Discount Telephone (M-SDT). That order provided that it would become effective on May 10. On May 3, M-SDT timely filed a Motion Requesting Commission Issue New Scheduled Date for Missouri State Discount Telephone to Provide on the Record Presentation. The body of the Motion requested that the Commission not dismiss M-SDT's Application. The Commission chose to treat this motion as a request for rehearing. On May 5, the Commission issued a notice directing that any party wishing to respond to M-SDT's motion do so no later than May 15. No party has filed a response.

The Commission issued its order dismissing M-SDT's Application pursuant to 4 CSR 240-2.110(4)(B) because of M-SDT's failure to appear for an on-the-record presentation regarding a joint stipulation and agreement filed by the parties. The on-the-record presentation was necessary because the Commission did not find adequate information in M-SDT's application or in the stipulation and agreement to allow the Commission to conclude that M-SDT has sufficient technical, financial and managerial resources and abilities to provide basic local service in Missouri. When M-SDT did not appear for the on-the-record presentation, the other parties were unable to provide sufficient information to satisfy the questions of the Commission.

Section 386.500, RSMo 1994, provides that the Commission shall grant an application for rehearing if "in its judgment sufficient reason therefor be made to appear." M-SDT requests that a new hearing date be set because it did not receive notification to appear at the March 24th hearing. M-SDT's protestations of lack of notice are not credible, particularly in light of M-SDT's similarly unexcused failure to appear for a prehearing conference on December 8, 1999. The Commission finds that there is not sufficient reason to set aside its Order Dismissing Application.

M-SDT is free to file a new application for certificate of service authority and for competitive classification. If M-SDT chooses to file such an application, a new case number will be assigned and the process will begin anew. If M-SDT files adequate information with its application to allow the Commission to find that it has sufficient

technical, financial and managerial resources and abilities to provide basic local service in Missouri, then it may not be necessary to schedule an in-person hearing in the new case.

**IT IS THEREFORE ORDERED:**

1. That the Motion Requesting Commission Issue New Scheduled Date for Missouri State Discount Telephone to Provide on the Record Presentation is denied.

2. That Missouri State Discount Telephone's Request for Rehearing is denied.

3. That this order shall become effective on June 16, 2000.

4. That this case may be closed on June 19, 2000.

**BY THE COMMISSION**



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

( S E A L )

Lumpe, Ch., Drainer , Murray,  
Schemenauer, CC., concur  
Simmons, C., not participating

Woodruff, Regulatory Law Judge

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COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION