

1160

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of)	
BroadStream Corporation for a Certificate)	
of Service Authority to Provide Intrastate)	Case No. TA-2000-303
Interexchange and Non-Switched Local Exchange)	Tariff No. 200000415
Telecommunications Services to the public)	
Within the State of Missouri and for)	
Competitive Classification.)	

ORDER APPROVING INTEREXCHANGE AND NON-SWITCHED LOCAL EXCHANGE
CERTIFICATES OF SERVICE AUTHORITY AND ORDER APPROVING TARIFF

BroadStream Corporation (BroadStream) applied to the Public Service Commission on October 29, 1999, for certificates of service authority to provide intrastate interexchange and non-switched local exchange telecommunications services in Missouri under Sections 392.410-.450, RSMo 1994, and RSMo Supp. 1998.¹ BroadStream asked the Commission to classify it as a competitive company and waive certain statutes and rules as authorized by Sections 392.361 and 392.420. BroadStream is a Delaware corporation with its principal office located at 4513 Pin Oak Court, Sioux Falls, South Dakota 57103.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on November 2, 1999, directing parties wishing to intervene to file their requests by November 17, 1999. The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence. State ex rel.

¹ All further statutory references are to the Revised Statutes of Missouri 1994 unless otherwise indicated.

Rex Deffenderfer Enterprises, Inc. v. Public Service Commission,
776 S.W.2d 494, 496 (Mo. App. 1989). Since no one has asked
permission to intervene or requested a hearing, the Commission may
grant the relief requested based on the verified application.

BroadStream filed a proposed tariff in conjunction with its
application and filed substitute sheets on November 23, 1999. The
tariff's effective date is December 13, 1999. BroadStream's tariff
describes the rates, rules, and regulations it intends to use,
identifies BroadStream as a competitive company, and lists the waivers
requested. BroadStream intends to provide interexchange and non-
switched local exchange telecommunications services including 1+,
directory assistance, private line, and travel card services.

In its memorandum filed on November 29, 1999, the Staff of the
Commission stated that BroadStream's proposed services are similar to
existing IXC offerings. Staff recommended that the Commission grant
BroadStream a certificate of interexchange service authority, and a
certificate of service authority for local exchange telecommunication
services on condition that this authority be restricted to providing
dedicated, non-switched local exchange private line services. Staff
recommended that the Commission grant BroadStream competitive status,
and waiver of the statutes and rules listed in the Notice. Staff
recommended that the Commission approve the proposed tariff as amended
to become effective on December 13, 1999.

The Commission finds that competition in the intrastate
interexchange and non-switched local exchange telecommunications
markets is in the public interest and BroadStream should be granted

certificates of service authority. The Commission finds that the services BroadStream proposes to offer are competitive and BroadStream should be classified as a competitive company. The Commission finds that waiving the statutes and Commission rules set out in the ordered paragraph below is reasonable and not detrimental to the public interest.

The Commission finds that BroadStream's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated interexchange and non-switched local exchange carriers. The Commission finds that the proposed tariff filed on October 29, 1999, shall be approved as amended to become effective on December 13, 1999.

IT IS THEREFORE ORDERED:

1. That BroadStream Corporation is 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 BroadStream Corporation is granted a certificate of service authority to provide local exchange telecommunications services in the state of Missouri limited to providing dedicated, non-switched local exchange private line services, subject to all applicable statutes and Commission rules except as specified in this order.

3. That BroadStream Corporation is classified as a competitive telecommunications company. Application of 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
- 392.340 - reorganization(s)
- 392.330, RSMo Supp. 1998 - issuance of securities,
debts and notes

Commission Rules

- 4 CSR 240-10.020 - depreciation fund income
- 4 CSR 240-30.010(2)(C) - rate schedules
- 4 CSR 240-30.040 - 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

4. That the tariff filed by BroadStream Corporation on October 29, 1999, and assigned Tariff File No. 200000415, is approved as amended to become effective on December 13, 1999. The tariff approved is:

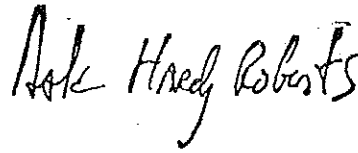
Missouri P.S.C. Tariff No. 1

Original Page No. 1 through Original Page No. 38

5. That this order shall become effective on December 13, 1999.

6. That this case may be closed on December 14, 1999.

BY THE COMMISSION

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive style with a large initial "D".

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Keith Thornburg, 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 2nd day of December, 1999.

R E C E I V E D

DEC 02 1999

COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION