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**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Application of Feist Long)
Distance Service, Inc. For a Certificate of)
Service Authority to Provide Intrastate) Case No. TA-98-332
Interexchange and Local Exchange)
Telecommunications Service.)

**ORDER APPROVING INTEREXCHANGE AND LOCAL EXCHANGE CERTIFICATES OF
SERVICE AUTHORITY AND ORDER APPROVING TARIFF**

Feist Long Distance Service, Inc. (Feist) applied to the Public Service Commission on February 5, 1998 for a certificate of service authority to provide intrastate interexchange and local exchange telecommunications services in Missouri under Section 392.410-.450, RSMo 1994¹. Feist 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. Feist is a Kansas corporation, with its principal office located at 110 South Main Street, Suite 1000, Wichita, Kansas 67202.

The Commission issued a Notice of Applications and Opportunity to Intervene on February 18, directing parties wishing to intervene to file their requests by March 5. 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. 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

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

requested a hearing, the Commission may grant the relief requested based on the verified application.

Feist filed a proposed tariff in conjunction with its application and filed substitute sheets on March 12 and 13. The tariff's effective date is March 25. Feist's tariff describes the rates, rules, and regulations it intends to use, identifies Feist as a competitive company, and lists the waivers requested. Feist intends to provide interexchange and local exchange telecommunications services including 1+ direct dial, 800/888/877, directory assistance and travel card services.

In its Memorandum filed on March 18, the Staff of the Commission stated that Feist's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant Feist 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 Feist competitive status, and waiver of the statutes and rules listed in the Notice. Staff recommended that the Commission approve the proposed tariff to become effective on March 25.

The Commission finds that competition in the intrastate interexchange and local exchange telecommunications markets is in the public interest and Feist should be granted a certificate of service authority. The Commission finds that the services Feist proposes to offer are competitive and Feist 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 Feist'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 local exchange carriers. The Commission finds that the proposed tariff filed on February 5 shall be approved as amended to become effective on March 25.

IT IS THEREFORE ORDERED:

1. That Feist Long Distance Service, Inc. 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 Feist Long Distance Service, Inc. is granted a certificate of service authority to provide local exchange telecommunications services in the state of Missouri limited to providing dedicated, nonswitched local exchange private line services, subject to all applicable statutes and Commission rules except as specified in this order.

3. That Feist Long Distance Service, Inc. 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. 1997 - 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 Feist Long Distance Service, Inc. on February 5, 1998, is approved as amended to become effective on March 25, 1998. The tariff approved is:

Missouri Tariff No. 1

- 5. That this order shall become effective on March 25, 1998.
- 6. That this case shall be closed on March 26, 1998.

BY THE COMMISSION



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

(S E A L)

Amy E. Randles, 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 23rd day of March, 1998.

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**COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION**