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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 December, 1998.

In the Matter of the Application of ExOp of)
Missouri, Inc. for a Certificate of Service) Case No. TA-97-193
Authority to Provide Local Exchange) Tariff File No. 9900273
Telecommunications Services.)

ORDER REGARDING MOTION TO RESTRICT CERTIFICATE OF SERVICE AUTHORITY

The Commission granted to ExOp of Missouri, Inc. (ExOp) a certificate of service authority to provide basic local telecommunications services in Missouri by Report and Order issued on November 25, 1997. The Order provided that ExOp's certificate of service authority would become effective upon the effective date of its approved tariffs.

The Commission approved an interconnection agreement between ExOp and Sprint-Missouri (Sprint) on June 3, 1998. ExOp filed tariff sheets on October 5, with an effective date of November 19, reflecting the rates, rules, and regulations it will use and the services it will offer. ExOp filed substitute tariff sheets on November 3 and 6 in order to make clarifications and bring its tariff into compliance with Commission rules and regulations.

On October 30, Southwestern Bell Telephone Company (SWBT) filed a motion to suspend ExOp's proposed tariff. SWBT argued that ExOp's proposed tariff violated the Commission's order granting ExOp certification because the tariff's access rate exceeds the access rate

of SWBT, which is the largest Incumbent Local Exchange Carrier (ILEC) in an area in which ExOp is certificated to provide service. On November 18, the Commission issued an order suspending ExOp's tariff for 120 days, inviting proper parties to intervene and setting an early prehearing conference.

On November 25, ExOp filed a Motion to Restrict its Certificate of Service Authority. By this motion, ExOp requests that the Commission amend ExOp's existing certificate of service authority by eliminating ExOp's authority to provide basic local exchange telecommunications services in the exchanges presently served by SWBT. ExOp also requests that, if its motion is granted and it no longer has authority to operate within the service area of SWBT, the Commission reconsider its order suspending ExOp's tariff and issue a new order approving that tariff.

On November 30, the Staff of the Missouri Public Service Commission (Staff) filed a response to ExOp's motion in which it supports ExOp's motion. Also on November 30, the Mid Missouri Group of local exchanges filed an Application to Intervene in this proceeding. SWBT filed its own response in opposition to ExOp's motion on December 2.

It is appropriate that ExOp be able to control the areas in which it is certificated to provide services. Since it no longer wishes to provide services within the service area of SWBT, the Commission will accede to that request. If ExOp is no longer certificated to provide services within the service area of SWBT, the issues which led the Commission to suspend ExOp's tariff no longer apply to ExOp. Therefore, there is no need to continue the suspension of ExOp's tariff.

The Application to Intervene of the Mid Missouri Group will be denied because, with the entry of this order, there will be no proceeding in which an intervention would be appropriate.

IT IS THEREFORE ORDERED:

1. That ExOp of Missouri, Inc.'s Motion to Restrict its Certificate of Service Authority is granted.

2. That the Commission's suspension of the tariff filed by ExOp Communications, Inc. on October 5, 1998 (tariff file number 9900273) is lifted. That tariff shall become effective upon the effective date of this order.

3. That the Application to Intervene of the Mid Missouri Group is denied.

4. That the prehearing conference set for December 9, 1998 is cancelled.

5. That this order shall become effective on December 15, 1998.

BY THE COMMISSION



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

(S E A L)

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

Woodruff, Regulatory Law Judge

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION