

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 2nd
day of February, 1996.

In Re: The Application of Americom)	
Technologies, Inc. d/b/a Network)	
Utilization Services for a Certifi-)	CASE NO. TA-96-162
cate of Authority to Provide)	
Competitive Intrastate Telecommuni-)	
cations Service.)	

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY AND
ORDER APPROVING TARIFF

Americom Technologies, Inc. d/b/a Network Utilization Services (Americom) applied to the Public Service Commission on November 20, 1995, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under § 392.440 RSMo 1994¹. Americom asked the Commission to classify it as a competitive company and waive certain statutes and rules as authorized by §§ 392.361 and 392.420. Applicant is a Nevada corporation, with its principal office at 6080 Huntwick Terrace, Suite 308, Delray Beach, Florida 33484.

The Commission issued a Notice and Schedule of Applicants on December 5, 1995, directing parties wishing to intervene in the case to do so by December 20, 1995. Since no one requested a hearing or permission to intervene, the Commission determines that no hearing is necessary.

¹All statutory references are to Revised Statutes of Missouri 1994.

State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo.App. 1989).

Americom filed a proposed tariff at the time of its application, on November 20, 1995, and filed substitute sheets on January 16, 1996. The tariff's effective date was originally January 29, 1996, but the effective date was extended to February 10, 1996 on January 22, 1996. Americom's tariff describes the rates, rules, and regulations it intends to use, identifies Americom as a competitive company, and lists the waivers requested. Americom intends to provide interexchange telecommunications services including 1+, 800, and private line services.

In its Memorandum filed January 25, 1996, the Staff of the Commission stated that Applicant's proposed services are the same or equivalent to those classified as competitive in Case No. TO-88-142, *In re the investigation for the purpose of determining the classification of the services provided by interexchange telecommunications companies within the State of Missouri*, 30 Mo. P.S.C. (N.S.) 16 (September 1989). Staff recommended that the Commission grant Applicant a certificate of service authority, competitive status, and waiver of the statutes and rules listed in the Notice. Staff recommended that the Commission approve the tariff as amended, effective February 10, 1996.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Applicant should be granted a certificate of service authority. The

Commission finds that the services Applicant proposes to offer are competitive and Applicant should be classified as a competitive company. The Commission is of the opinion that waiving the statutes and Commission rules set out in Ordered Paragraph 2 is reasonable and not detrimental to the public interest.

The Commission determines, by authority of § 392.470, that Applicant should comply with the following regulatory requirements as reasonable and necessary conditions of certification:

- (1) Applicant must comply with reasonable requests by Staff for financial and operating data to allow Staff to monitor the intraLATA toll market. § 386.320.3.
- (2) Applicant must file tariffs containing rules and regulations applicable to customers, a description of the services provided, and a list of rates associated with those services in accordance with 4 CSR 240-30.010 and § 392.220.
- (3) Applicant may not unjustly discriminate between its customers. §§ 392.200, 392.400.
- (4) Applicant must comply with all applicable rules of the Commission except those specifically waived by this order. §§ 386.570, 392.360.
- (5) Applicant must file a Missouri-specific annual report. §§ 392.210, 392.390.1.

- (6) Applicant must comply with jurisdictional reporting requirements as set out in each local exchange company's access services tariffs. § 392.390.3.
- (7) Applicant must submit to the staff, on a confidential basis, a copy of the jurisdictional report it submits to local exchange companies. The report must be submitted within ten (10) days of the date on which it is submitted to the local exchange company.

The Commission finds that Americom's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated interexchange carriers. The Commission finds that the proposed tariff filed on November 20, 1995, and amended on January 16, 1996, should be approved, effective February 10, 1996.

IT IS THEREFORE ORDERED:

1. That Americom Technologies, Inc. d/b/a Network Utilization Services be 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 Americom Technologies, Inc. d/b/a Network Utilization Services be classified as a competitive telecommunications company. 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
- 392.330 - issuance of securities, debts and notes
- 392.340 - reorganization(s)

Commission Rules

- 4 CSR 240-10.020 - depreciation fund income
- 4 CSR 240-30.010(2) (C) - rate schedules
- 4 CSR 240-30.040(1) - Uniform System of Accounts
- 4 CSR 240-30.040(2) - Uniform System of Accounts
- 4 CSR 240-30.040(3) - Uniform System of Accounts
- 4 CSR 240-30.040(5) - Uniform System of Accounts
- 4 CSR 240-30.040(6) - 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

3. That the tariff filed by Americom Technologies, Inc. d/b/a Network Utilization Services on November 20, 1995, be approved as amended, effective February 10, 1996. The tariff approved is:

P.S.C. Mo. No. 1

4. That this order shall become effective on February 10,
1996.

BY THE COMMISSION

A handwritten signature in black ink, reading "David L. Rauch". The signature is written in a cursive style with a large, stylized "D" and "R".

(SEAL)

David Rauch
Executive Secretary

Mueller, Chm., McClure,
Kincheloe, Crumpton and Drainer,
CC., Concur.

Bernavage / Bridger

CASE NO. TA 96-163

over
Chairman

[Signature]
Commissioner

[Signature]
Commissioner

[Signature]
Commissioner

Commissioner

3-1-96

5-0-95

Agenda 2-2-96

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 2 day of FEBRUARY, 1996.

David L. Rauch
David L. Rauch
Executive Secretary

Memorandum

To: Missouri Public Service Commission Official Case File
Case No. TA-96-162 File No. 9600326 Applicant: Americom Technologies, Inc.
dba Network Utilization Services
From: Raye Ann Lecure *Bvt* Telecommunications Department

Subject: Staff Recommendation for Approval of Certificate Application/Tariff

Date: January 23, 1996

Reviewed By: Sam Mohammed 1/24/96 R. Stein 1-25-96
Utility Operations Division/Date General Counsel's Office/Date

The Telecommunications Department Staff (Staff) recommends the applicant be granted the following certificate(s), as indicated by check marks, to be effective on the same date the tariff becomes effective.

X certificate to provide interexchange telecommunications services.
_____ certificate to provide local exchange telecommunications services.*

* local exchange authority should be restricted to dedicated, private line services.

Staff recommends the applicant receive competitive classification. Furthermore, Staff recommends approval of the applicant's proposed tariff, PSC MO No. 1, with a proposed effective date of February 10, 1996. In addition, Staff recommends approval of the requested waivers listed in the Notice.

Is there an attachment to this recommendation indicating any additional recommendations or special considerations? _____ Yes X No.

copies: Director-Utility Operations Division
Director-Policy & Planning Division
Director - Utility Services Division
General Counsel
Office of the Public Counsel

Michelle Post, Vice President, Americom Technologies, Inc.

James M. Fischer, Attorney for Applicant

FILED

JAN 25 1996

MISSOURI
PUBLIC SERVICE COMMISSION

(This box intended for internal use)

Assigned To:

Application Filed:

Staff recommendation due in case file before 5pm on:

Application/Tariff Review Items

If item pertains to applicant, indicate with check mark*

☒

No applications to intervene filed.

✓
✓
✓
✓

Application contains the following:

Financial Information.

Proper Secretary of State authorization.

Statement of willingness to comply with PSC regulations.

All requested waivers match waivers listed in the Notice and all requested waivers have been previously granted to other competitive companies.

✓
N/A
✓
N/A
N/A
✓

Proposed tariff:

Complies with PSC rules and statutes applicable to applicant.

If operator services offered, operator service requirements are included.

Includes "interexchange" tariff text if offers private line service w/o requesting local certiff.

If ICB pricing proposed, only for private line and/or special assemblies.

If ICB pricing is offered, tariff includes standardized ICB text.

Rate structures or service offerings are similar to existing IXC offerings
(In addition, tariff does not generate discrimination concerns.)

* Clarify any unchecked review items in an attachment.

Services Offered in Initial Tariff

✓
✓

1+
800 services
WATS
Operator services

Private line
Debit card
Other

✓

Has proposed effective date been extended?

If yes, new proposed effective date: February 10, 1996

Yes	No
✓	

Have substitute tariff sheets been filed?

If yes, identify the date(s) substitute sheets were filed:

✓	
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January 16, 1996