

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
September 28, 2001**

CASE NO: TA-2000-359

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Mark W. Comley
Newman, Comley & Ruth, PC
601 Monroe Street, Suite 301
P.O. Box 537
Jefferson City, MO 65102

Monique Brynes
Technologies Management, Inc.
210 Park Avenue
Winter Park, FL 32789

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Paul G. Lane/Leo J. Bub
Anthony K. Conroy/Mimi B. MacDonald
Southwestern Bell Telephone Company
One Bell Center, Room 3518
St. Louis, MO 63101

Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Uncertified Copy:

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Trans)	
National Telecommunications, Inc. for a)	
Certificate of Service Authority to Provide)	Case No. TA-2000-359
Resold Basic Local Telecommunications Service)	Tariff No. 200001049
in Portions of the State of Missouri and for)	
Competitive Classification)	

ORDER SUSPENDING TARIFFS AND
ORDER ALLOWING TIME TO RESPOND

This order suspends the tariffs filed by applicant and allows applicant more time to respond to Staff's motion.

On September 21, 2001, the Staff of the Missouri Public Service Commission filed its motion to withdraw the conditional approval of the certificate of Trans National Telecommunications, Inc. and close the case.

Staff's motion stated the following points:

On December 3, 1999, Trans National applied to the Commission for a certificate of service authority to provide basic local and local exchange telecommunications services in Missouri. The Commission issued its Order Granting Certificate to Provide Basic Local and Exchange Access Telecommunications Services on April 20, 2000. In its Order, the Commission ordered that the "certificate of service authority shall become

effective when Trans National Telecommunications Inc.'s tariff becomes effective."

Trans National submitted a proposed tariff on May 15, 2000. The Staff reviewed the proposed tariff and requested that Trans National make numerous changes to the tariff to comply with Commission rules. Among the problems identified by the Staff were that the proposed tariff lacks a Customer Rights and Responsibilities Statement as well as an explanation of the territories where Trans National intends to offer service. Trans National has not filed a revised tariff reflecting the changes requested by the Staff. Counsel for Trans National filed 15 separate extension requests that have kept this case open up to the day Staff filed its motion. The last Trans National filing extended the effective date of the tariffs to October 1, 2001. For these reasons, the Staff does not recommend approval of the proposed tariff.

Prior to filing its motion to withdraw the conditional certificate and close the case, the Staff contacted counsel for Trans National and requested the revised tariffs and advised Trans National that it was preparing to file its motion. Counsel for Trans National indicated that Trans National had yet to authorize its counsel to file the revised tariff.

Under Section 392.410.6, RSMo 2000,¹ a certificate of service authority will become null and void if the authority granted by the certificate is not exercised within one year from issuance. (The statute states: "Unless exercised within a period of one year from the issuance thereof, authority conferred by a certificate of service authority or a certificate of public convenience and necessity shall be null and void.") However, as stated above, the Commission's Order granting the certificate of service authority is to become effective when Trans National's tariffs become effective. This (i.e., the language in the Commission's order) would appear to indicate that Section 392.410 would not apply since the effectiveness of the certificate of service authority and the one-year time limit for exercising the granted authority is conditioned upon Trans National's tariffs being approved.

The Staff sees little difference between a certificate of service authority that is issued and not exercised within one year, and an instance where a company is conditionally granted a certificate and similarly fails to exercise its authority within one year. Over fifteen months have passed since the Commission granted Trans National its conditional certificate. Accordingly, the Staff recommends that the Commission cancel Trans National's conditional certificate and issue an order closing this case.

¹ References to Sections of the Revised Statutes of Missouri, unless otherwise specified, are to the revision of the year 2000.

On September 24, 2001, the Commission issued its order shortening time to respond. The order noted that the tariff effective date is currently Monday, October 1, 2001. The order was issued under Commission Rule 4 CSR 240-2.080(16), which provides that parties are allowed not more than ten days in which to respond to any pleading, unless otherwise ordered by the Commission. So that it could deal with these matters expeditiously, the Commission shortened the time allowed for the filing of a response to the motion filed by Staff to September 25, 2001. No party responded to Staff's motion and the time for response has elapsed. Because of the seriousness of this matter, however, the Commission will grant Trans National more time to respond.

Section 392.230(3) grants the Commission the discretionary authority to suspend, for 120 days plus six months, the effective date of a tariff. The Commission finds that, in order to allow Trans National's to respond to Staff's motion, the tariff should be suspended under this statute. The statute states:

Whenever there shall be filed with the commission by any telecommunications company...any schedule...the commission...may suspend the operation of such schedule...but not for a longer period than one hundred and twenty days beyond the time when such rate...would otherwise go into effect; and after full hearing, whether completed before or after the rate...goes into effect, the commission may make such order in reference to such rate...as would be proper in a proceeding initiated after the rate...had become effective; however, if any such hearing cannot be concluded within the period of suspension...the commission may, in its discretion, extend the time of suspension for a further period not exceeding six months.

The Commission, on its own motion, will suspend the tariffs and allow Trans National to respond to Staff's motion.

IT IS THEREFORE ORDERED:

1. That the tariffs filed under tariff number 200001049 on May 15, 2000, by Trans National Telecommunications, Inc. will be suspended for 30 days beyond the time when the tariff would otherwise go into effect, i.e., until November 30, 2001. The suspended tariffs are:

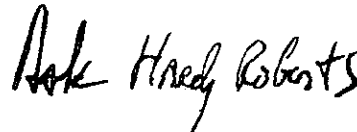
Mo. P.S.C. No. 1

**Original Title Page
Original Pages 1 through 25**

2. That Trans National Telecommunications, Inc. will be allowed until no later than October 12, 2001, to file a response to the motion to withdraw the conditional approval of the certificate of Trans National Telecommunications, Inc. and close the case, filed on September 21, 2001, by the Staff of the Missouri Public Service Commission.

3. That this order will become effective on September 30, 2001.

BY THE COMMISSION



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

(S E A L)

Bill Hopkins, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 28th day of September, 2001.

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 28th day of Sept. 2001.

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

