

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 August, 1994.

In the matter of the purchase of the)
assets of Ascom Communications, Inc.)
by Peoples Telephone Company, Inc.) Case No. TM-94-274

ORDER APPROVING SALE AND TRANSFER OF ASSETS, AND
ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY

On March 10, 1994, Peoples Telephone Company, Inc. (Peoples) filed an Application for approval to purchase the assets of Ascom Communications, Inc. (Ascom). The Application states that the agreement will transfer all of Ascom's tangible and intangible property to Peoples so that Peoples may assume control of Ascom's property and continue the operations of Ascom using the Peoples' name. The Application and the supplement thereto additionally requests that the Commission grant Peoples the same type of authority contained in the certificate currently held by Ascom.

On July 11, 1994, the Staff of the Public Service Commission (Staff) filed its Memorandum in which it recommended approval of the request of Peoples. Staff has stated in its Memorandum that it interprets the Application to request a certificate of service authority to provide telecommunications services and competitive classification in addition to the transfer of assets. Staff has stated that the Application included the information commonly required of applicants for a certificate of service authority to provide interexchange telecommunications services including but not limited to the financial information, technical qualifications and

a certificate of corporate good standing from the Missouri Secretary of State's Office.

As to the transfer of Ascom's assets, Staff recommends that the Commission grant this request and the Staff further recommended that Peoples be directed to file tariffs with the Commission so that the purchase, approval and cancellation of the respective certificates and tariffs should become effective on the date that Peoples' tariff becomes effective.

The Commission finds the Application of the Company to be an application for a certificate of service authority to provide intrastate interexchange telecommunication service within the state of Missouri and for classification as a competitive telecommunications company pursuant to Sections 392.361 and 392.440, RSMo Supp. 1993 and a waiver of certain statutes and Commission rules as authorized by Section 392.420, RSMo Supp. 1993.

Staff stated that Applicant's proposed services are the same or equivalent to the services which were 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 competitive status.

The Commission finds that Applicant is a foreign corporation authorized to do business in the state of Missouri, with its principal office or place of business located at 2300 Northwest 89th Place, Miami, Florida 33172. The Commission finds that Applicant has filed current financial information and a brief description of the type of service it

proposes to provide, and has agreed to comply with all applicable rules and regulations of the Commission, and with any terms and conditions which the Commission may lawfully impose.

After reviewing Applicant's verified statement and Staff's recommendation, the Commission finds that additional competition in the intrastate interexchange market is in the public interest and a certificate of service authority should be granted to Applicant. The Commission also finds that the services Applicant proposes to offer are competitive, and that waiving the statutes and Commission rules set out below is reasonable and not detrimental to the public interest. Therefore, the Commission concludes that Applicant should be classified as a competitive company pursuant to Section 392.361, RSMo Supp. 1993.

The Commission determines that, pursuant to Section 392.470, RSMo Supp. 1993, certain regulatory requirements should be imposed upon Applicant as a reseller of telecommunications services in Missouri. Applicant should be subject to the following regulatory requirements as reasonable and necessary conditions of certification:

- (1) Applicant is required to comply with reasonable requests by Staff for financial and operating data to allow Staff to monitor the intraLATA toll market pursuant to Section 386.320.3 RSMo (1986).
- (2) Applicant is required to file tariffs containing rules and regulations applicable to customers, a description of the services provided, and a list of rates associated with those services pursuant to Section 392.220, RSMo Supp. 1993, and 4 CSR 240-30.010.
- (3) Applicant's tariff filing must contain a preliminary section which states that Company is a competitive

carrier and identifies the statutory and rules waivers granted it by the Commission.

- (4) Applicant is precluded from unjustly discriminating between and among its customers pursuant to Sections 392.200 and 392.400, RSMo Supp. 1993.
- (5) Applicant is required by Section 386.570, RSMo (1986), and Section 392.360, RSMo Supp. 1993, to comply with all applicable rules of the Commission except those which have been specifically waived by this order.
- (6) Applicant is required to file a Missouri-specific annual report pursuant to Sections 392.210 and 392.390.1, RSMo Supp. 1993.
- (7) Applicant is required to comply with jurisdictional reporting requirements as set out in each local exchange company's access services tariffs pursuant to Section 392.390.3, RSMo Supp. 1993.
- (8) A copy of the jurisdictional report submitted to local exchange companies shall be submitted to the staff on a confidential basis within ten (10) days of the date on which it is submitted to the local exchange company.

The Commission has reviewed the Application along with the entirety of the case file and finds that the Application does not identify specific assets involved in the transaction, however, approval of this purchase should have no customer impact since Ascom currently claims no Missouri customers. The Commission further finds that the Applicant has met the requirements for an interexchange certificate of service authority and the Commission will grant such a certificate concurrent with the transfer of assets. The Applicant will be ordered to file tariffs in

response to this order for use on and after the date of the transfer of the assets and the effective date of the interexchange certificate of service authority.

The certificate of service authority to be granted by this order will become effective only upon the Commission's approval of these tariffs.

IT IS THEREFORE ORDERED:

1. That Peoples Telephone Company, Inc. be authorized to purchase the assets of Ascom Communications, Inc.

2. That Peoples Telephone Company, Inc. be granted a certificate of service authority to provide intrastate interexchange telecommunication services in the state of Missouri. This certificate of service authority is subject to the conditions of certification set out herein and shall not become effective until the Commission approves Peoples Telephone Company, Inc.'s tariffs.

3. That Peoples Telephone Company, Inc. be classified as a competitive telecommunications company for which 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 240-32.030(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. That Peoples Telephone Company, Inc. shall file tariffs not later than August 23, 1994, for service on and after September 13, 1994.

5. That Peoples Telephone Company, Inc. shall file its PIU reports as set out above.

6. That the current certificate of Ascom Communications, Inc. along with the tariff currently approved for Ascom Communications, Inc. shall be cancelled concurrent with the approval of the new certificate and the tariff for Peoples Telephone Company, Inc.

7. That Peoples Telephone Company, Inc. shall not be authorized to commence providing service until the effective date of its certificate and tariff.

8. That this order shall become effective on September 13, 1994.

BY THE COMMISSION



David L. Rauch
Executive Secretary

(S E A L)

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