

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

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In the Matter of the Application of)	
Ozark Telecom, Inc. for a Certificate of)	
Authority to Provide Competitive Intrastate)	<u>Case No. TA-2000-239</u>
Interexchange Telecommunications Services)	<u>Tariff No. 200000256</u>
in Missouri)	

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

Ozark Telecom, Inc. (Ozark) applied to the Missouri Public Service Commission (Commission) on September 17, 1999, for a certificate of service authority to provide interexchange telecommunications services in Missouri under Section 392.410-.450, RSMo 1994 and RSMo Supp. 1998¹. Ozark 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. Ozark is an Arkansas corporation, with its principal office located at 1115 Mill Street, Camden, South Carolina 29020.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on September 21, 1999, directing parties wishing to intervene to file their requests by October 6, 1999. 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 requested a hearing, the Commission may grant the relief requested based on the verified application.

Ozark filed a proposed tariff in conjunction with its application and filed substitute sheets on October 15 and 21, 1999. The tariff's effective date was originally October 31, 1999, but was extended by Ozark on October 14, 1999, to November 2, 1999; on October 20, 1999, to November 4, 1999; and on October 25, 1999, to November 9, 1999. Ozark's tariff describes the rates, rules, and regulations it intends to use, identifies Ozark as a competitive company, and lists the waivers requested. Ozark intends to provide interexchange telecommunications services, including 1+, 800/888/877, Directory Assistance, Debit Card, and Travel Card services.

In its memorandum filed on October 27, 1999, the Staff of the Commission (Staff) stated that Ozark's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant Ozark a certificate to provide interexchange telecommunications services. Staff recommended that the Commission grant Ozark competitive status, and a waiver of the statutes and rules listed in the Notice. Staff recommended that the Commission approve the proposed tariff as amended to become effective on November 9, 1999.

The Commission finds that competition in the interexchange telecommunications markets is in the public interest and Ozark should

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

be granted a certificate of service authority. The Commission finds that the services Ozark proposes to offer are competitive and Ozark 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 Ozark'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 September 17, 1999, with substitute sheets filed on October 15 and 21, 1999, and extensions filed on October 20 and 25, 1999, shall be approved as amended to become effective on November 9, 1999.

IT IS THEREFORE ORDERED:

1. That Ozark Telecom, 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 Ozark Telecom, Inc. is granted a certificate of service authority to provide local exchange telecommunications services in the state of Missouri limited to providing dedicated, non-switched local exchange private line services, subject to all applicable statutes and Commission rules except as specified in this order.

3. That Ozark Telecom, 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. 1998 - 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 Ozark Telecom, Inc. under Tariff No. 200000256 on September 17, 1999 is approved as amended to become effective on November 9, 1999. The tariff approved is:

P.S.C. Mo. No. 1

5. That this order shall become effective on November 9, 1999.

6. That this case may be closed on November 10, 1999.

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 4 CSR 240-2.120(1) (November 30,
1995) and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 29th day of October, 1999.

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CHIEF OF COUNSEL
PUBLIC SERVICE COMMISSION