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**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF MISSOURI**

In the Matter of the Application of NewPath )  
Holdings, Inc. for a Certificate of Service )  
Authority to Provide Switched and Dedicated )  
Resold and Facilities-Based Local Exchange )  
Telecommunications Services and Facilities- ) Case No. TA-2000-491  
Based Local Exchange Telecommunications )  
Services within the State of Missouri and to )  
Classify Said Services and the Company as )  
Competitive )

**ORDER GRANTING INTERVENTION AND DIRECTING  
FILING OF PROCEDURAL SCHEDULE**

NewPath Holdings, Inc. (NewPath) applied to the Missouri Public Service Commission (Commission) on February 10, 2000, for a certificate of service authority to provide basic local and local exchange telecommunications services in Missouri under Sections 392.420 - .440 RSMo 1994<sup>1</sup>, and Sections 392.410 and .450, RSMo Supp. 1999. NewPath 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, RSMo. NewPath is a Delaware corporation with principal offices located at 11260 Aurora Avenue, Des Moines, Iowa 50322.

The Commission issued a notice and schedule of applicants on February 22, 2000, directing interested parties wishing to intervene in

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<sup>1</sup> All statutory references are to Revised Statutes of Missouri 1994 unless otherwise indicated.

) the interexchange and nonswitched local exchange service authority of its application to do so by March 8, 2000, and in the basic local and nonswitched local exchange service authority portion of its application to do so by March 23, 2000.

On March 3, 2000, Southwestern Bell Telephone Company (SWBT) timely filed its application to intervene. SWBT stated that it has an interest in the Commission's decision in this case because it provides basic local exchange services and will be in direct competition with NewPath if the certificate is granted. SWBT argued that no other party will adequately protect its interests in this matter and that its intervention would be in the public interest because of SWBT's expertise and experience in the telecommunications industry.

) On January 7, 2000, the Small Telephone Company Group (STCG), which is composed of twenty-eight small telephone companies in Missouri, filed its timely application to intervene. STCG states that its members are "telecommunications companies" and "public utilities" as those terms are defined by Section 386.020, RSMo, and are all authorized to provide telecommunications services in Missouri. STCG states that the granting or denying of a certificate of service authority to NewPath will directly affect STCG's interests as providers of telecommunications services in Missouri. STCG states that its interests are different from that of the general public. STCG states that its expertise in and perspective on the provision of telecommunication services in this state will aid the Commission in resolving the issues related to this proceeding. STCG states that granting it intervention will serve the public interest. STCG

) did not state whether it opposed or favored NewPath's application.

No other entity applied to intervene.

The Commission has reviewed both applications of SWBT and STCG and finds that both are in substantial compliance with Commission rules regarding intervention and that both SWBT and STCG have an interest in this matter that is different from that of the general public. The Commission concludes that these requests for intervention should be granted and that the parties should file a proposed procedural schedule. The procedural schedule must include dates for the filing of testimony and for a hearing. If no party requests a hearing, the Commission may grant the service authority and competitive classification requested without a hearing. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989).

**IT IS THEREFORE ORDERED:**

1. That Southwestern Bell Telephone Company is granted intervention in this case in accordance with Commission Rule 4 CSR 240-2.075(4).

2. That the Small Telephone Company Group is granted intervention in this case in accordance with Commission Rule 4 CSR 240-2.075(4).

3. That the parties shall file a proposed procedural schedule no later than 3:00 p.m. on April 24, 2000. The procedural schedule shall include dates for the filing of testimony and for a hearing.

4. That this order shall become effective on April 3, 2000.

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 24th day of March, 2000.