

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
October 26, 1999**

**CASE NO: TM-99-381**

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Jefferson City, MO 65102

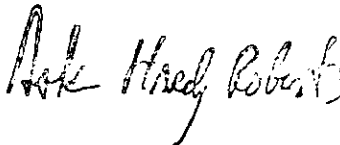
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**Enclosed find certified copy of an ORDER in the above-numbered case(s).**

**Sincerely,**



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

**Uncertified Copy:**

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held at its office  
in Jefferson City on the 26th  
day of October, 1999.

In the Matter of the Application of Primus	)	
Telecommunications, Inc., and TresCom USA,	)	<u>Case No. TM-99-381</u>
Inc., for Approval of a <i>Pro Forma</i> Internal	)	
Reorganization.	)	

**ORDER APPROVING TARIFF**

On May 11, 1999, this Commission granted the application of Primus Telecommunications, Inc. (Primus), and TresCom USA, Inc. (TresCom), seeking approval of the merger of TresCom into Primus. In the order of May 11, 1999, the Commission directed Primus to file any necessary and appropriate tariff revisions to add the services and rates of TresCom USA, Inc., to its tariffs no later than June 10, 1999. Also in the order of May 11, 1999, the Commission directed that "the certificate of service authority and tariffs of TresCom USA, Inc., shall be canceled on July 10, 1999."

Primus did not file tariff revisions on or before June 10, 1999, as ordered. Instead, on June 24, 1999, Primus informed the Commission by letter that the merger was not moving as quickly as originally contemplated. Primus requested that the certificate and tariffs of TresCom "remain applicable to former TresCom customers until the transaction is completed and a Primus tariff is filed with the Commission as a replacement." Accordingly, the Commission by Order issued on

July 8, 1999, extended the life of TresCom's certificate and tariffs for 90 days after July 10, 1999, in order to avoid any inconvenience to TresCom's customers. The Commission directed Primus to file any necessary and appropriate tariff revisions by September 8, 1999, and cancelled the tariffs and certificate of TresCom as of October 8, 1999.

Primus failed to file tariff revisions on or before September 8, 1999. Therefore, on September 17, 1999, the Commission directed Primus to file its status report on or before September 24, 1999, advising the Commission as to its compliance with the Order of July 8, 1999, and including a succinct explanation for its non-compliance. On September 27, 1999, Primus filed its revised tariff, with an effective date of October 27, 1999. Primus did not offer any explanation for its failure to comply with the Commission's Order of July 8, 1999. Primus also explained that the merger with TresCom was still not yet consummated, but that consummation was "imminent."

On October 5, 1999, the Commission issued its Second Supplemental Order Regarding Merger. That Order provided that TresCom's certificate and tariff would be cancelled as of October 27, 1999, and further directed TresCom and Primus to advise the Commission of the status of the merger on October 22, 1999. On that date, Primus advised the Commission that the merger was not yet consummated, due to delay in obtaining approval from appropriate regulatory agencies.

In the meantime, Primus filed its proposed revised tariff on September 27, 1999. That tariff filing is intended to add TresCom's offerings and rates to Primus' tariff so that the merger, when completed,

will be seamless for TresCom's Missouri customers. The Staff of the Missouri Public Service Commission filed its Memorandum on October 18, 1999. The Staff reviewed Primus' proposed revised tariff sheets and recommended that they be approved. Staff states that the revised tariff sheets are intended to add TresCom's rates and services to Primus' tariff. The Commission has reviewed the proposed revised tariff sheets and finds that the same are just and reasonable and should be approved.

As for TresCom's certificate and tariff, the Commission concludes that they should remain in effect until this merger is finally consummated. At that time, Primus shall immediately so advise the Commission and TresCom's certificate and tariff will be cancelled.

**IT IS THEREFORE ORDERED:**

1. That the proposed revised tariff sheets filed by Primus Telecommunications, Inc., on September 27, 1999, Tariff File No. 20000281, are approved for service on or after October 27, 1999. The tariff sheets approved are:

MO P.S.C. No. 1  

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2<sup>nd</sup> Revised Original Sheet No. 3, canceling 1<sup>st</sup> Revised Original Sheet  
No. 3  
Original Sheets 49 through 69

2. That the certificate of service authority and tariffs of TresCom USA, Inc., shall not be canceled on October 27, 1999, as previously ordered, but shall remain in force pending the further order of this Commission.

3. That Primus Telecommunications, Inc., shall advise the Commission, within five days thereof, of the consummation of its merger with TresCom USA, Inc.

4. That this Order shall become effective on October 27, 1999.

**BY THE COMMISSION**



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

( S E A L )

Lumpe, Ch., Drainer, Murray,  
and Schemenauer, CC., concur.  
Crompton, C., absent.

Thompson, Deputy Chief Regulatory Law Judge

ALJ/Sec'y: Thompson/Pope

10-25  
Date Circulated

74-99-381  
CASE NO.

[Signature]  
Lumpé, Chair

Alvant  
Crumpton, Commissioner

[Signature]  
Murray, Commissioner

[Signature]  
Schenenauer, Commissioner

[Signature]  
Drainer, Vice-Chair

10-26 (good course)  
Agenda Date

Action taken: 4-0 AS

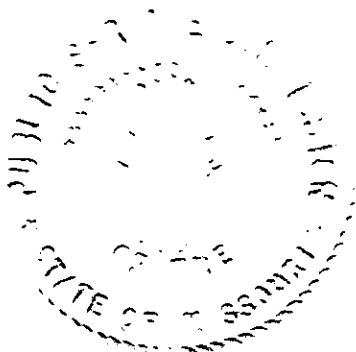
Must Vote Not Later Than \_\_\_\_\_

**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 26th day of October, 1999.



Dale Hardy Roberts

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge