

4/1/99

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

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In the Matter of the Application of)	
The Free Network, L.L.C., for a Certificate)	
of Service Authority to Provide Intrastate)	Case No. TA-99-333
Interexchange Telecommunications Services)	Tariff No. 9900569
in the State of Missouri.)	

ORDER APPROVING INTEREXCHANGE CERTIFICATE
OF SERVICE AUTHORITY AND APPROVING TARIFF

The Free Network, L.L.C. (TFN or Applicant), applied to the Public Service Commission on February 8, 1999, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994¹. TFN 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. Applicant is a Delaware corporation, with its principal office located at 1607 East Big Beaver Road, Suite 105, Troy, Michigan 48083.

The Commission issued a Notice of Applications and Opportunity to Intervene on February 9, 1999, directing parties wishing to intervene to file their requests by February 24, 1999. No requests to intervene were received. 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

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

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.

TFN filed a proposed tariff in conjunction with its application, with an effective date of April 9, 1999. On March 31, 1999, TFN by letter extended the effective date to April 19, 1999. On April 1, 1999, TFN filed substitute Original Sheet No. 1. On April 7, 1999, TFN filed substitute Original Sheet No. 27 and extended the effective date to April 22, 1999. TFN's tariff describes the rates, rules, and regulations it intends to use, identifies TFN as a competitive company, and lists the waivers requested. TFN intends to provide interexchange telecommunications services including 1+ long distance services, 800/888/877, Directory Assistance-Long Distance, and Travel Card services.

In its Memorandum filed on April 15, 1999, the Staff of the Commission stated that Applicant's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant Applicant a certificate of service authority, competitive status, and 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 April 22, 1999.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Maxxis should be granted a certificate of service authority. The Commission finds that the services TFN proposes to offer are competitive

and TFN 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 TFN'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 February 8, 1999, and amended on April 1 and 7, 1999, shall be approved as amended to become effective on April 22, 1999.

IT IS THEREFORE ORDERED:

1. That The Free Network, L.L.C., is granted a certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri, subject to all applicable statutes and Commission rules except as specified in this order.

2. That The Free Network, L.L.C., 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

3. That the tariff filed by The Free Network, L.L.C., on February 8, 1999, tariff no. 9900569, is approved as amended on April 1 and 7, 1999, to become effective on April 22, 1999. The tariff approved is:

P.S.C. Mo. No. 1
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- 4. That this order shall become effective on April 22, 1999.
- 5. That this case may be closed on April 23, 1999.

BY THE COMMISSION

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Kevin A. Thompson, Deputy Chief
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 19th day of April, 1999.

