

3/2/99

A.

**BEFORE THE PUBLIC SERVICE COMMISSION**

**OF THE STATE OF MISSOURI**

In the Matter of the Application of St. John's )  
Mercy Health System, Doing Business as )  
St. John's Mercy Hospital, for a Certificate ) Case No. TA-99-417  
of Service Authority to Provide Shared Tenant )  
Services Within the State of Missouri. )

**ORDER AND NOTICE**

On March 30, 1999, St. John's Mercy Health System, doing business as St. John's Mercy Hospital (Applicant), a Missouri corporation, filed an application with the Commission seeking authority to provide private shared tenant services (STS) at an office building located at 851 East Fifth Street, Washington, Missouri 63090, and at a hospital located at 200 Madison Street, Washington, Missouri 63090.

This application is filed pursuant to Section 392.410, RSMo Supp. 1998, providing that no telecommunications company not exempt from that subsection shall transact any business in this state until it shall have obtained a certificate of service authority.

Pursuant to Section 392.520, RSMo 1994, STS telecommunications services shall be subject to the minimum regulation permitted by Chapter 392 for competitive telecommunications services. Section 392.520 further provides that the Commission shall exempt STS telecommunications services from even those tariff filing requirements applicable to other competitive telecommunications services.

Due process requires that proper parties be given notice and an opportunity to intervene. Therefore, the Records Department shall send a copy of this order to the telephone company rendering local exchange service to the locations covered by the application.

The requirement of a hearing is met when an opportunity to be heard 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). Therefore, if no party requests a hearing, the Commission may find that no hearing is necessary and grant the relief requested based on the verified application.

**IT IS THEREFORE ORDERED:**

1. That any interested party wishing to intervene in this case shall file an application to do so no later than April 30, 1999, with:

Dale Hardy Roberts, Secretary  
Missouri Public Service Commission  
Post Office Box 360  
Jefferson City, Missouri 65102

and send copies to:

Timothy L. Elliott, Esq.  
The Lowenbaum Partnership  
222 South Central Avenue, Suite 901  
St. Louis, Missouri 63105

and

Office of the Public Counsel  
Post Office Box 7800  
Jefferson City, Missouri 65102

2. That the Records Department of the Commission be directed to send notice as herein stated.

3. That this order shall become effective on April 13, 1999.

BY THE COMMISSION

A handwritten signature in cursive script that reads "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 31st day of March, 1999.

RECEIVED

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COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION