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BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of Focal)
Communications Corporation of Missouri for)
a Certificate of Service Authority to Provide) **Case No. TA-99-404**
Interexchange and Local Exchange Telecommunica-) **Tariff No. 9900724**
tions Services in the State of Missouri and for)
Competitive Classification.)

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

Focal Communications Corporation of Missouri (Applicant or Focal) applied to the Public Service Commission on March 22, 1999, for certificates of service authority to provide intrastate interexchange and non-switched local exchange telecommunications services in Missouri under Section 392.440, RSMo 1994¹. Focal 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 200 North LaSalle Street, Suite 800, Chicago, Illinois 60601.

The Commission issued a Notice of Applications and Opportunity to Intervene on March 30, 1999, directing parties wishing to intervene to file their requests by April 14, 1999. No requests to intervene were received. The requirement for a hearing is met when the opportunity for

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

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.

Focal filed a proposed tariff in conjunction with its application, Tariff No. 9900724, effective May 6, 1999. On April 20, 1999, Focal extended the effective date of its proposed tariff to May 21, 1999. Focal filed substitute sheets on April 22, 1999, and on May 5, 1999. Focal's tariff describes the rates, rules, and regulations it intends to use, identifies Focal as a competitive company, and lists the waivers requested. Focal intends to provide interexchange telecommunications services including 1+ long distance services, 800/888/877, Directory Assistance-Long Distance, and Operator Assistance services.

In its Memorandum filed on May 11, 1999, the Staff of the Commission (Staff) 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 May 21, 1999.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Focal should be granted a certificate of service authority. The

Commission finds that the services Focal proposes to offer are competitive and Focal 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. Additionally, the Commission concludes that Focal should be granted a certificate of service authority to provide non-switched local exchange telecommunications services and that this authority be restricted to the provision of dedicated, private line services only.

The Commission finds that Focal' 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 substitute proposed tariff sheets filed on April 22, 1999, shall be approved as amended on May 5, 1999, to become effective on May 21, 1999.

IT IS THEREFORE ORDERED:

1. That Focal Communications Corporation of Missouri 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 Focal Communications Corporation of Missouri is granted a certificate of service authority to provide non-switched local exchange telecommunications services in the state of Missouri, subject to all applicable statutes and Commission rules except as specified in this

order, and subject to the restriction that only dedicated, private line telecommunications services be provided thereunder.

3. That Focal Communications, 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 substitute proposed tariff filed by Focal Communications, Inc., on April 22, 1999, Tariff No. 9900724, is approved as amended on May 5, 1999, to become effective on May 21, 1999. The tariff approved is:

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5. That this order shall become effective on May 21, 1999.
6. That this case shall be closed on May 22, 1999.

BY THE COMMISSION



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 of May, 1999.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION