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

In the Matter of the Application of FON Digital )  
Network, Inc., for a Certificate of Service ) **Case No. TA-99-462**  
Authority to Provide Interexchange Telecom- ) **Tariff No. 9900796**  
munications Services. )

**ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY**  
**AND ORDER APPROVING TARIFF**

FON Digital Network, Inc. (FON) applied to the Public Service Commission on April 13, 1999, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994<sup>1</sup>. FON 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. FON is a Florida corporation, with its principal office located at 2290 Lee Road, Winter Park, Florida 32789.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on April 27, 1999, directing parties wishing to intervene to file their requests by May 12, 1999. 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 Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989). Since no one has asked

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

permission to intervene or requested a hearing, the Commission may grant the relief requested based on the verified application.

FON filed a proposed tariff in conjunction with its application with an effective date of May 28, 1999. FON's tariff describes the rates, rules, and regulations it intends to use, identifies FON as a competitive company, and lists the waivers requested. FON intends to provide interexchange telecommunications services including 1+, 800/888/877 services, directory assistance, debit card, and travel card services.

In its Memorandum filed on May 18, 1999, the Staff of the Commission stated that FON's proposed services are similar to existing interexchange telecommunications offerings. Staff recommended that the Commission grant FON 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 to become effective on May 28, 1999.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and FON should be granted a certificate of service authority. The Commission finds that the services FON proposes to offer are competitive and FON 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 FON'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 April 13, 1999 should be approved to become effective on May 28, 1999.

**IT IS THEREFORE ORDERED:**

1. That FON Digital Network, Inc. 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 FON Digital Network, 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

3. That the tariff filed by FON Digital Network, Inc. on April 13, 1999, 1999, and assigned Tariff File No. 9900796, is approved to become effective on May 28, 1999. The tariff approved is:

P.S.C. MO. TARIFF NO. 1  
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4. That this order shall become effective on May 28, 1999, 1998.

5. That this case shall be closed on June 1, 1999.

BY THE COMMISSION

*Dale Hardy Roberts*

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

( S E A L )

Keith Thornburg, 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 21st day of May, 1999.

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COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION