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Case No. TA-99-609

CERTIFICATE OF SERVICE AUTHORITY

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

the application and does not require the issuance of additional notice. 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 permission to intervene or requested a hearing, the Commission may grant the relief requested based on the verified application.

In its memorandum filed on November 12, the Staff of the Commission (Staff) recommended that the Commission grant C.C.O. Telecom a certificate of interexchange service authority. Staff recommended that the Commission grant C.C.O. Telecom competitive status, and waiver of the statutes and rules listed in the notice. C.C.O. Telecom has not yet filed a tariff. The application requests a waiver of 4 CSR 240-2.060(4)(H), which requires the filing of a tariff with a 45-day effective date. Staff recommends that the Commission grant the requested waiver but also recommends that the certificate not become effective until an appropriate tariff is filed. Furthermore, Staff recommends that C.C.O. Telecom be required to file its tariff with a 45-day effective date within 30 days of this order and that the certificate granted by this order be withdrawn if the tariff is not filed as ordered by the Commission. C.C.O. Telecom did not respond to Staff's recommendation within the time allowed by the Commission's regulation.

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

IT IS THEREFORE ORDERED:

1. That C.C.O. Telecom, 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 C.C.O. Telecom, 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 C.C.O. Telecom, Inc., is granted a waiver of 4 CSR 240-2.060(4)(H) to permit it to file a tariff with a 45-day effective date subsequent to the issuance of this order.

4. That the certificate of service authority granted to C.C.O. Telecom, Inc. shall become effective only upon the filing, approval and effective date of its tariffs.

5. That C.C.O. Telecom, Inc. shall file its tariff with a 45-day effective date no later than December 27, 1999.

6. That if C.C.O. Telecom, Inc. fails to file its tariff by December 28, 1999, then the certificate of service authority granted by this order shall be withdrawn.

7. That this order shall become effective on December 6, 1999.

BY THE COMMISSION

A handwritten signature in black ink, reading "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Morris L. Woodruff, 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 24th day of November, 1999.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION