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ACS Systems, Inc. (ACS) applied to the Public Service Commission on January 15, 1998, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994¹. ACS 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 California corporation, with its principal office at 2510 North Hill Avenue, Suite 230, Santa Ana, California 92705-5542.

The Commission issued a Notice of Applications and Opportunity to Intervene on January 20, directing parties wishing to intervene to file their requests by February 4. 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

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

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

ACS filed a proposed tariff in conjunction with its application with an effective date of March 2. ACS's tariff describes the rates, rules, and regulations it intends to use, identifies ACS as a competitive company, and lists the waivers requested. ACS intends to provide interexchange telecommunications services including 1+ direct dial, 800/888/887 number, directory assistance, debit card, and travel card services.

In its Memorandum filed on February 17 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 and Schedule of Applicants. Staff recommended that the Commission approve the proposed tariff to become effective on March 2.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Applicant should be granted a certificate of service authority. The Commission finds that the services Applicant proposes to offer are competitive and Applicant 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 ACS'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 January 15 should be approved to become effective on March 2.

IT IS THEREFORE ORDERED:

1. That ACS Systems, 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 ACS Systems, 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. 1997 - issuance of securities,
debts and notes

Commission Rules

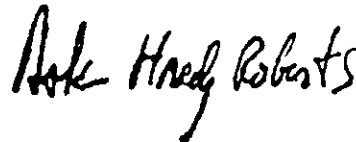
4 CSR 240-10.020 - depreciation fund income
4 CSR 240-30.010(2) (C) - rate schedules
4 CSR 240-30.040 - Uniform System of Accounts
4 CSR 240-32.030(1) (B) - exchange boundary maps
4 CSR 240-32.030(1) (C) - record-keeping
4 CSR 240-32.030(2) - in-state record-keeping
4 CSR 240-32.050(3) - local office 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 ACS Systems, Inc. on January 15, 1998, is approved to become effective on March 2, 1998. The tariff approved is:

P.S.C. Mo. No. 1

4. That this order shall become effective on March 2, 1998.
5. That this case shall be closed on March 9, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Drainer and
Murray, CC., concur.
Crumpton, C., absent.

Wickliffe, Deputy Chief Regulatory Law Judge

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**COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION**

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**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY**

January 29, 1998

CASE NOS: TA-98-295, TA-98-304 & TA-98-309

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Enclosed find certified copy of ORDER in the above-numbered case(s).

Sincerely,
Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

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To each telephone company rendering local exchange service in Missouri