

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office  
in Jefferson City on the 23rd  
day of January, 1996.

In the matter of the application of Reorganized Church )  
of Jesus Christ of Latter Day Saints, d/b/a Resthaven, )  
for certificate of service authority to provide shared ) Case No. TA-96-98  
tenant services within the state of Missouri. )  
)

**ORDER APPROVING CERTIFICATE OF SERVICE AUTHORITY  
TO PROVIDE SHARED TENANT SERVICES**

On September 27, 1995, the Reorganized Church of Jesus Christ of Latter Day Saints, d/b/a Resthaven, (Applicant or Resthaven) filed a verified application seeking a certificate of service authority to provide shared tenant services (STS). The Commission issued its Order And Notice on November 21, 1995, directing the Records Department to send notice of this application. The Order And Notice set an intervention date of December 8, 1995. On December 5, 1995, Southwestern Bell Telephone Company (SWBT) filed its application to intervene and on January 9, 1996, the Commission issued an order granting intervention to SWBT. On January 16, 1996, the Telecommunications Department Staff (Staff) of the Public Service Commission filed its memorandum in which it recommended approval of the application. Also on January 16, 1996, SWBT filed its response to the Staff's memorandum in which it stated that it would not object to a grant of the certificate requested herein.

The Commission has reviewed the application, the Staff memorandum and the entirety of the file and makes the following findings of fact.

Resthaven is a Missouri corporation with a principal place of business located at 1500 West Truman Road, Independence, Missouri. Resthaven has agreed to abide by all Missouri Commission rules and regulations which are

applicable to providers of STS service. If approved, Resthaven would provide STS to its nursing home facility which is contained in a building owned by Resthaven and/or its parent corporation. The services provided herein are for residential services only and Resthaven has agreed to allow the tenants to subscribe for services directly from the local exchange company if the tenants so desire.

The Staff's memorandum states that the application of Resthaven has supplied information which is acceptable and that this application meets the standards outlined in the Commission's Case No. TO-86-53 except for the single building limitation. The Staff further notes that the Commission set out in Case No. TA-95-125 the appropriate standard by which discrete private premises may be judged and that Resthaven meets those three standards.

The Staff has stated it believes that approval of Resthaven's application would not have a significant impact on SWBT's planning or rates. The Staff also concluded that Resthaven's intended STS would not be detrimental to the public interest. The Staff has recommended that the Commission expedite the approval of the application at the Commission's earliest convenience.

The Staff's memorandum, which was filed on January 16, 1996, requested the Commission order allow the certificate to become effective by January 20, 1996. However, the only scheduled Agenda session prior to the January 20 requested date would have been January 17, the day after the Staff memorandum was filed and this would not allow sufficient time for the Commission to adequately review the file and publish notice of its intent to take this matter up. Although the Commission will readily make every effort to accommodate the public need, the Commission is reluctant to issue its approval for an application which it has not had time to review and consider. Therefore, this matter was continued to the Commission's next regularly scheduled Agenda session of January 23, 1996.

As a result of this continuation, the Commission has had the opportunity to review the application, the Staff's recommendation, SWBT's Response To Staff's Recommendation and the entirety of the file. The Commission finds that the application meets the standards set out for the provision of STS in the state of Missouri. The Commission further finds that the grant of STS is in the public interest. The Commission will approve the requested certificate of service authority for the provision of shared tenant services.

**IT IS THEREFORE ORDERED:**

1. That the Reorganized Church of Jesus Christ of Latter Day Saints, d/b/a Resthaven, be hereby granted a certificate of service authority to provide shared tenant services in the state of Missouri. This certificate of service authority is subject to the conditions of certification set forth in Case No. TO-86-53 and Case No. TA-95-125.

2. That the Reorganized Church of Jesus Christ of Latter Day Saints, d/b/a Resthaven, shall comply with all Commission rules and regulations regarding the provision of shared tenant services including, but not limited to, the annual reporting requirements set out in Commission Case No. 29 Mo. P.S.C. 373, at 394.

3. That this order shall become effective on 2nd day of February, 1996.

**BY THE COMMISSION**



**David L. Rauch  
Executive Secretary**

( S E A L )

Mueller, Chm., Kincheloe,  
Crumpton and Drainer, CC.,  
concur.  
McClure, C., concurs in  
separate concurring opinion.

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

In the matter of the application of )  
Reorganized Church of Jesus Christ of Latter )  
Day Saints d/b/a Resthaven for certificate )  
of service authority to provide shared tenant )  
services within the state of Missouri. )

Case No. TA-96-98

**CONCURRING OPINION OF COMMISSIONER KENNETH MCCLURE**

I concur in the Commission's Order which approves the application of Resthaven to provide shared tenant services. However, I am extremely disappointed that staff did not submit its recommendation to the Commission in a timely fashion. Staff's recommendation for approval was submitted on Tuesday afternoon, January 16, after the public agenda for the January 17 Commission meeting had been posted. Staff requested that the Commission act by January 20 (a Saturday) even though it was aware that the Commission was not scheduled to meet on January 18 and 19 because of other scheduled activities.

The Commission is prepared to act expeditiously when necessary but requires adequate time to study the issues before it and the recommendations of the parties. Staff's actions have needlessly placed the Commission in a very difficult situation. In my opinion, the Commission's action today is the soonest it could act given the extremely tardy nature of Staff's filing.

Respectfully submitted,

  
Kenneth McClure, Commissioner

Dated at Jefferson City, Missouri, on  
this 23rd day of January, 1996.