

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

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|--|---|--------------------------------|
| In the Matter of the Application of |) | |
| Intercounty Tele-Tech, L.L.C. for a |) | |
| Certificate of Service Authority to |) | |
| Provide Nonbasic Local and Interexchange |) | Case No. TA-99-175 |
| Telecommunications Services in Portions |) | Tariff File No. 9900463 |
| of the State of Missouri and to Classify |) | |
| Said Services and the L.L.C. as |) | |
| Competitive. |) | |

ORDER APPROVING INTEREXCHANGE AND NON-SWITCHED LOCAL EXCHANGE
CERTIFICATE OF SERVICE AUTHORITY AND ORDER APPROVING TARIFF

Intercounty Tele-Tech, L.L.C. (Intercounty) applied to the Public Service Commission on October 20, 1998, for a certificate of service authority to provide intrastate interexchange and non-switched local exchange telecommunications services in Missouri under § 392.410-.450 RSMo, 1994 and RSMo Supp. 1997¹. Intercounty asked the Commission to classify it as a competitive company and waive certain statutes and rules as authorized by §§ 392.361 and 392.420. Applicant is a Missouri corporation, with its principal office located at 102 Maple Avenue, P.O. Box 209, Licking, Missouri 65542-0209.

The Commission issued a Notice of Applications and Opportunity to Intervene on November 3, directing parties wishing to intervene to file their requests by November 18. 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

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

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

Intercounty filed a proposed tariff in conjunction with its application with an effective date of January 30, 1999. Intercounty's tariff describes the rates, rules, and regulations it intends to use, identifies Intercounty as a competitive company, and lists the waivers requested. Intercounty intends to provide interexchange and non-switched local exchange telecommunications services including private line services. In its Memorandum filed on January 20, 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 interexchange service authority and a certificate of service authority for local exchange telecommunication service on condition that this authority be restricted to providing dedicated, non-switched local exchange private line services. Staff recommended that the Commission grant Applicant 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 January 30.

The Commission finds that competition in the intrastate interexchange and non-switched local exchange telecommunications markets is in the public interest and Applicant should be granted certificates 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 Intercounty's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated interexchange and local exchange carriers. The Commission finds that the proposed tariff filed on October 20, 1998, should be approved to become effective on January 30, 1999.

IT IS THEREFORE ORDERED:

1. That Intercounty Tele-Tech, L.L.C. 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 Intercounty Tele-Tech, L.L.C. is granted a certificate of service authority to provide local exchange telecommunications services in the state of Missouri limited to providing dedicated, non-switched local exchange private line services, subject to all applicable statutes and Commission rules except as specified in this order.

3. That Intercounty Tele-Tech, L.L.C. 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 |

4. That the Tariff File No. 9900463 submitted in File No. TA-99-175, by Intercounty Tele-Tech, L.L.C. on October 20, 1998, is approved to become effective on January 30, 1999. The tariff approved is:

P.S.C. Mo. No. 1

5. That this order shall become effective on January 30, 1999.

6. That this case may be closed on February 1, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Shelly A. Register, 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 26th day of January, 1999.