

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held at its office
in Jefferson City on the 14th
day of December, 1990.

In the matter of the joint application of)
Advanced Telecommunications Corporation and)
LDDS Communications, Inc. to sell assets.)
CASE NO. TM-91-167

In the matter of the application of Transcall)
America, Inc. for permission to cancel its)
tariff in the State of Missouri.)
CASE NO. TD-91-169

ORDER APPROVING SALE AND CANCELLING TARIFF

On October 29, 1990, Advanced Telecommunications Corporation (ATC or Applicant) and LDDS Communications, Inc. (LDDS or Applicant), filed a joint application requesting that the Commission approve the sale of the assets described below by ATC to LDDS.

Also on October 29, 1990, Transcall America, Inc. (TAI) filed an application in Case No. TD-91-169 requesting that the Commission cancel its Missouri intrastate tariff in view of the transfer of its assets to LDDS by ATC. TAI states that it desires to retain its certificate of public convenience and necessity in the event it should decide to reenter the toll market within the State of Missouri.

Based upon the verified applications and the recommendations of the Commission's Staff (Staff), the Commission determines that an oral hearing is unnecessary to determine the matters at issue herein and finds and concludes as follows.

TAI, a subsidiary of ATC, holds a certificate issued by this Commission in Case No. TO-84-223 to provide intrastate interexchange telecommunications service in the State of Missouri. TAI has been providing service pursuant to this certificate from a point of presence (POP) in Kansas City, Missouri.

LDDS provides intrastate interexchange telecommunications services in the State of Missouri pursuant to a certificate originally issued to Inter-Comm.

Telephone, Inc., in Case No. TO-84-223 but subsequently purchased by LDDS in a sale authorized by this Commission in Case No. TM-89-175. The service that LDDS provides in the State of Missouri are subject to tariffs in the name of LDDS of Kansas City, Inc., d/b/a LDDS Communications, Inc. (LDDS/KCI). LDDS/KCI is a Missouri corporation and LDDS is a Delaware corporation with its principal office and place of business located at 4780 I-55 North, Suite 200, Jackson, Mississippi 39211.

On December 20, 1989, ATC and LDDS negotiated an agreement providing for ATC to sell the customer bases and accounts of TAI located in Kansas City, Missouri to LDDS.

Applicants state that the proposed sale will not adversely affect the public interest as defined by Chapter 392, RSMo 1986, as amended, since TAI notified its customers in writing of the transfer and no interruption of service was experienced by these customers. In addition, LDDS will offer these customers generally similar products and services as those available from TAI and will generally charge prices for its toll service which are competitive to those that were charged to TAI. Applicants state that LDDS will not charge these customers any service charges in connection with the transfer.

The Applicants further state that the appropriate corporate authority has been conferred on them in regard to the transfer and that the sale will have no adverse impact on the tax revenues of any Missouri political subdivision.

On December 10, 1990, Staff filed a memorandum in Case No. TM-91-167 recommending that the Commission issue an order approving the sale. Also on December 10, 1990, Staff filed a memorandum in Case No. TD-91-169 recommending that the Commission issue an order cancelling TAI's current Missouri intrastate tariff provided the Commission approved the sale by ATC of TAI's customer bases and accounts to LDDS.

The Commission finds no detriment to the public interest either in the sale that the applicants request that the Commission approve or in the request to cancel

TAI's tariff. Therefore, the Commission will approve this sale and cancel TAI's tariff.

IT IS THEREFORE ORDERED:

1. That the joint application to transfer the assets of Transcall America, Inc. to LDDS Communications, Inc., filed in Case No. TM-91-167 by Advanced Telecommunications Corporation and LDDS Communications, Inc., be approved hereby. LDDS will provide service as LDDS of Kansas City, Inc., d/b/a LDDS Communications, Inc.

2. That the tariff of Transcall America, Inc., to provide intrastate interexchange telecommunications service in the State of Missouri be cancelled hereby.

3. That this order shall become effective on the 27th day of December, 1990.

BY THE COMMISSION

Brent Stewart

Brent Stewart
Interim Executive Secretary

(S E A L)

Mueller, McClure and
Letsch-Roderique, CC., Concur.
Steinmeier, Chm., and Rauch, C.,
Absent.