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

In the Matter of the Application of	)	
TON Services Inc., for a Certificate of	)	<u>Case No. TA-2000-188</u>
Service Authority to Provide Competitive	)	Tariff No. 200000160
Intrastate Interexchange Telecommunications	)	
Service in the State of Missouri.	)	

**ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY**  
**AND ORDER APPROVING TARIFF**

TON Services, Inc. (TON), applied to the Public Service Commission on August 26, 1999, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994<sup>1</sup>. TON 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. TON is a Utah corporation, with its principal office located at 4185 Harrison Boulevard, Suite 301, Ogden, Utah 84403.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on August 31, 1999, directing parties wishing to intervene to file their requests by September 15, 1999. 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.

TON filed a proposed tariff in conjunction with its application with an effective date of October 11, 1999. TON's tariff describes the rates, rules, and regulations it intends to use, identifies TON as a competitive company, and lists the waivers requested. TON intends to provide interexchange telecommunications services including debit card services.

In its Memorandum filed on September 23, 1999, the Staff of the Commission recommended that the Commission grant TON a certificate of service authority, 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 October 11, 1999.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and TON should be granted a certificate of service authority. The Commission finds that the services TON proposes to offer are competitive and TON 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 TON's proposed tariff details the services, equipment, and pricing it proposes to offer. The Commission

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

finds that the proposed tariff filed on August 26, 1999 should be approved to become effective on October 11, 1999.

**IT IS THEREFORE ORDERED:**

1. That TON Services, 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 TON Services, 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 the tariff filed by TON Services Inc. on August 26, 1999, and assigned Tariff File No. 200000160, is approved to become effective on October 11, 1999. The tariff approved is:

P.S.C. MO No. 1  
Original Title Sheet  
Original Sheet 1 through Original Sheet 37

4. That this order shall become effective on October 11, 1999.

5. That this case may be closed on October 12, 1999.

BY THE COMMISSION



Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

( S E A L )

Keith Thornburg, 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 27th day of September, 1999.

**RECEIVED**  
SEP 27 1999  
COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION