

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of)
Ellington Telephone Company d/b/a McCormack-) Case No. TA-2000-200
Missouri for a Certificate of Service) Tariff No. 200000184
Authority to Provide Interexchange and Local)
Exchange Telecommunications Services.)

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

Ellington Telephone Company d/b/a McCormack-Missouri (McCormack) applied to the Public Service Commission on August 30, 1999, for certificates of service authority to provide intrastate interexchange and non-switched local exchange telecommunications services in Missouri under Section 392.410-.450, RSMo 1994, and RSMo Supp. 1998¹. McCormack 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. McCormack is a Missouri corporation, with its principal office located at 200 College Avenue, Ellington, Missouri 63638.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on September 7, directing parties wishing to intervene to file their requests by September 22. 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.

McCormack filed a proposed tariff in conjunction with its application and filed substitute sheets on September 9 and September 21. The tariff's effective date is October 14. McCormack's tariff describes the rates, rules, and regulations it intends to use, identifies McCormack as a competitive company, and lists the waivers requested. McCormack intends to provide interexchange and non-switched local exchange telecommunications services including 1+, 800/888/877 services, directory assistance, operator assistance, and private line services.

In its memorandum filed on September 24, the Staff of the Commission stated that McCormack's proposed services are similar to existing interexchange telecommunications offerings. Staff recommended that the Commission grant McCormack a certificate of interexchange service authority, and a certificate of service authority for local exchange telecommunication services on condition that this authority be restricted to providing dedicated, non-switched local exchange private line services. Staff recommended that the Commission grant McCormack competitive status, and waiver of the statutes and rules listed in the Notice. Staff recommended that the

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

Commission approve the proposed tariff as amended to become effective on October 14.

The Commission finds that competition in the intrastate interexchange and non-switched local exchange telecommunications markets is in the public interest and McCormack should be granted certificates of service authority. The Commission finds that the services McCormack proposes to offer are competitive and McCormack 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 McCormack'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 non-switched local exchange carriers. The Commission finds that the proposed tariff filed on August 30 shall be approved as amended to become effective on October 14.

IT IS THEREFORE ORDERED:

1. That Ellington Telephone Company d/b/a McCormack-Missouri is granted a certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri, subject to the conditions of certification set out above.

2. That Ellington Telephone Company d/b/a McCormack-Missouri 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 Ellington Telephone Company d/b/a McCormack-Missouri 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

4. That the tariff filed by Ellington Telephone Company d/b/a McCormack-Missouri on August 30, 1999, and assigned Tariff File No. 200000184, is approved as amended to become effective on October 14, 1999. The tariff approved is:

P.S.C. Mo. No. 1

Original Sheet No. 1
Original Sheet No. 2
Original Sheet No. 3
Original Sheet No. 8
Original Sheet No. 9
Original Sheet No. 11
Original Sheet No. 24
Original Sheet No. 27
Original Sheet No. 29
Original Sheet No. 37
Original Sheet No. 39
Original Sheet No. 47

5. That this order shall become effective on October 14, 1999.

6. That this case may be closed on October 15, 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 1st day of October, 1999.

RECEIVED

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION