

6/2/01

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of NetLojix)
Telecom, Inc. for a Certificate of Service)
Authority to Provide Interexchange) Case No. TA-2000-340
Telecommunications Services in the State of) Tariff No. 200000479
Missouri and for Competitive Classification)

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY AND ORDER APPROVING TARIFF

NetLojix Telecom, Inc. (NetLojix) applied to the Missouri Public Service Commission (Commission) on November 23, 1999, for a certificate of interexchange service authority to operate as a reseller of intrastate interexchange telecommunications services in the State of Missouri under Section 392.410-.440, RSMo 1994, and RSMo Supp. 1998.¹ NetLojix 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. NetLojix is a Delaware corporation, with its principal office located at 501 Bath Street, Santa Barbara, California 93101.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on December 7, 1999, directing parties wishing to intervene to file their requests by December 22, 1999. The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party

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

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.

NetLojix filed a proposed tariff in conjunction with its application and filed substitute sheets on December 20, 1999. The tariff's effective date is January 7, 2000. NetLojix's tariff describes the rates, rules, and regulations it intends to use, identifies NetLojix as a competitive company, and lists the waivers requested. NetLojix intends to provide interexchange telecommunications services including 1+, 800/888/877, and directory assistance services.

On December 2, 1999, the Commission issued its Notice of Deficiency, stating that NetLojix had not included a clear and concise statement of the relief requested regarding whether NetLojix wanted competitive classification for itself or for its services. On December 10, 1999, NetLojix filed an Amendment to Application, which stated that NetLojix requested that the Commission classify NetLojix as a competitive telecommunications company.

In its memorandum filed on December 23, 1999, the Staff of the Commission (Staff) stated that NetLojix's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant NetLojix a certificate of interexchange service authority. Staff recommended that the Commission grant NetLojix competitive status, and waiver of the statutes and rules listed in the

Notice. Staff recommended that the Commission approve the proposed tariff as amended to become effective on January 7, 2000.

The Commission finds that competition in the intrastate interexchange telecommunications markets is in the public interest and NetLojix should be granted certificates of service authority. The Commission finds that the services NetLojix proposes to offer are competitive and NetLojix 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 NetLojix's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated interexchange carriers. The Commission finds that the proposed tariff filed on November 23, 1999 shall be approved as amended by substitute tariff sheets filed December 20, 1999, to become effective on January 7, 2000.

IT IS THEREFORE ORDERED:

1. That NetLojix Telecom, Inc. 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 NetLojix Telecom, 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 NetLojix Telecom, Inc. on November 23, 1999, and as amended by substitute tariff sheets filed December 20, 1999, under tariff number 200000479, is approved as amended to become effective on January 7, 2000. The tariff approved is:

P.S.C. Mo. No. 1

4. That this order shall become effective on January 7, 2000.

5. That this case may be closed on January 8, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Bill Hopkins, Senior 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 5th day of January, 2000.