

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY**

May 26, 2000

CASE NO: TA-2000-665

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Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Pathnet,)
Inc., for a Certificate of Service Authority)
to Provide Basic Local Telecommunications) Case No. TA-2000-665
Service in the State of Missouri and to)
Classify Said Services and the Company as)
Competitive.)

ORDER REGARDING APPLICATION AND PROTECTIVE ORDER

On April 19, 2000, Pathnet, Inc. (Pathnet), filed its application for a certificate of authority to provide basic local exchange telecommunications services on a facilities and resold basis throughout all exchanges in Missouri served by incumbent local exchange telecommunications companies Southwestern Bell Telephone Company, Sprint/United Telephone Company and GTE Midwest, Inc. Pathnet also filed a Motion for a Protective Order. The commission issued its Order Granting Protective Order on April 27, 2000.

On May 23, 2000, Pathnet filed a Supplement to Application, which replaces section nine of its original application to update the waivers it requested waivers to current practices and numbering adopted by the Commission.

In a separate motion, filed on the same date, Pathnet requested withdrawal of Appendix E to its original application and offered a redacted version and a complete confidential version of Appendix E under seal for substitution. In its original request for a protective order Pathnet had indicated that Appendix E presented its projected balance sheet and operating budget, and that this information was confidential and

proprietary and that disclosure of this information could provide competitors with an unfair competitive and economic advantage. However, as noted in the Commission's April 27, 2000, order, Pathnet failed to file this information in conformance with Commission rules that provide a procedure to protect this information from disclosure.

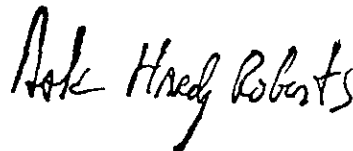
The Commission finds Pathnet's Supplement to Application may be accepted and that Pathnet's motion requesting the withdrawal and substitution of Appendix E may be granted, provided that only the original records file copy of Appendix E shall be withdrawn and returned to the applicant. Copies provided for the Commission's use are subject to the nondisclosure provisions of Section 386.480, RSMo 1994.

IT IS THEREFORE ORDERED:

1. That the Supplement to Application filed by Pathnet, Inc., is accepted.
2. That Appendix E as originally filed on April 19, 2000, is withdrawn and the records file copy of Appendix E shall be returned to Pathnet, Inc., and Appendix E as substituted on May 23, 2000, is accepted.
2. That this order shall become effective on June 6, 2000.

BY THE COMMISSION

(S E A L)



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

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 26th day of May, 2000.

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

**I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 26th day of May 2000.**

Dale Hardy Roberts

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

