

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

April 24, 2000

CASE NO: TA-2000-571

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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 Maxcess)
Inc. for a Certificate of Service) Case No. TA-2000-571
Authority to Provide Interexchange) Tariff No. 200000828
Telecommunications Services)

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY
AND ORDER APPROVING TARIFF

Maxcess, Inc. (Maxcess) applied to the Missouri Public Service Commission (Commission) on March 14, 2000, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Sections 392.430 and 392.440, RSMo 1994¹. Maxcess 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, RSMo. Maxcess is a Florida corporation, with its principal office located at 100 West Lucerne Plaza, Suite 500, Orlando, Florida 32801.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on March 21, 2000, directing parties wishing to intervene to file their requests by April 5, 2000. 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.

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

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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 application.

Maxcess filed a proposed tariff in conjunction with its
application with an effective date of April 28, 2000. Substitute
sheets were filed on March 21, 2000, which changed the waiver of
statutes and Commission rules which Maxcess requested. Maxcess'
tariff describes the rates, rules, and regulations it intends to use,
identifies Maxcess as a competitive company, and lists the waivers
requested. Maxcess intends to provide interexchange
telecommunications services, including 1+, 800/888/877, Directory
Assistance, Debit Card, and Travel Card services.

In its Memorandum filed on April 18, 2000, the Staff of the
Commission (Staff) stated that Maxcess' proposed services are similar
to existing IXC offerings. Staff recommended that the Commission
grant Maxcess 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 April 28, 2000.

The Commission finds that competition in the intrastate
interexchange telecommunications market is in the public interest and
Maxcess should be granted a certificate of service authority. The
Commission finds that the services Maxcess proposes to offer are
competitive and Maxcess 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 Maxcess' 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 March 14, 2000, should be approved to become effective on April 28, 2000.

IT IS THEREFORE ORDERED:

1. That Maxcess, 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 Maxcess, Inc. is classified as a competitive telecommunications company. Application of the following statutes and regulatory rules shall be waived:

Statutes

392.210.2 - Uniform System of Accounts for annual reports
392.240.1 - Rates-reasonable average return on investment
392.270 - Property valuation
392.280 - Depreciation rates
392.290 - Issuance of stocks and bonds
392.300.2 - Acquisition of stock
392.310 - Issuance of stocks and bonds
392.320 - Issuance of stocks and bonds
392.340 - Reorganization
392.330, RSMo Supp. 1999 - Issuance of stocks and bonds

Commission Rules

4 CSR 240-10.020 - Depreciation fund income
4 CSR 240-30.010(2)(C) - Posting rates at central office
4 CSR 240-30.040 - Uniform System of Accounts

4 CSR 240-33.030
4 CSR 240-35

- Minimum charges rule
- Reporting of bypass

3. That the tariff filed by Maxcess, Inc. on March 14, 2000, under tariff number 20000828, as amended by substitute sheets filed on March 21, 2000, is approved to become effective on April 28, 2000. The tariff approved is:

P.S.C. Mo No. 1

4. That this order shall become effective on April 28, 2000.
5. That this case may be closed on April 29, 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.

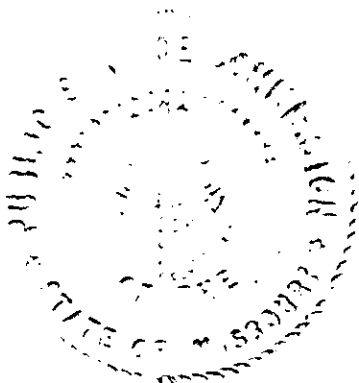
Dated at Jefferson City, Missouri,
on this 24th day of April, 2000.

**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 24th day of April 2000.



Dale Hardy Roberts

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