

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
December 19, 2000**

CASE NO: TA-2000-229

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Sheldon K. Stock
Greensfelder, Hemker, & Gale, P.C.
10 South Broadway, Suite 2000
St. Louis, MO 63102

Leo J. Bub
Southwestern Bell Telephone Company
One Bell Center, Room 3518
St. Louis, MO 63101

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)
Fidelity Communication Services II, Inc.)
for a Certificate of Service Authority to)
Provide Basic Local Telecommunications)
Service in Portions of the State of)
Missouri and for Competitive Classification)

Case No. TA-2000-229

ORDER APPROVING COMPLIANCE TARIFF

On November 30, 1999, the Missouri Public Service Commission (Commission) issued its order granting certificates to provide basic local and exchange access telecommunications services (order granting certificates) in this case, in which it granted authority to Fidelity Communication Services II, Inc. (Fidelity), to provide telecommunications services in the state of Missouri.

On December 6, 1999, Fidelity filed a motion for clarification. In response thereto, on December 8, 1999, the Commission issued a notice of correction of two sentences in the order granting certificates.

The third sentence of the first full paragraph on page six was corrected to read:

[Fidelity] has agreed that, unless otherwise ordered or permitted by the Commission, its originating and terminating access rates will be no greater than the lowest Commission-approved corresponding access rates in effect for the large ILEC(s) within whose service areas [Fidelity] seeks to operate.

Paragraph number eight on page 11 was corrected to read:

Unless otherwise determined by the Commission in Case No. TO-99-596 or any other case, that [Fidelity's] certification and competitive status are expressly conditioned upon the continued applicability of Section 392.200, RSMo Supp. 1998,

and on the requirement that any increases in switched access service rates above the maximum switched access service rates set forth in the agreement must be cost-justified pursuant to Sections 392.220, RSMo Supp. 1998, and 392.230, rather than Sections 392.500 and 392.510.

The order granting certificates also stated, *inter alia*, that Fidelity shall file tariff sheets with a minimum 45-day effective date reflecting the rates, rules, regulations and the services it will offer within 30 days after the effective date of a Commission order approving an interconnection agreement that will allow Fidelity to provide services. In fact, such an interconnection agreement was approved by the Commission on August 10, 2000, in an order with an effective date of August 22, 2000, in case number TO-2000-758.

On September 18, 2000, Fidelity filed a motion requesting an extension of time to file its tariffs. On September 29, 2000, the Commission extended the time to November 21, 2000.

On November 13, 2000, Fidelity filed its tariffs bearing a 45-day effective date of December 28, 2000.¹ Fidelity's cover letter indicated that copies of the filing were sent to all counsel of record. On December 6, 2000, Fidelity filed substitute sheets.

On December 18, 2000, the Staff filed its recommendation to approve the tariff filing of Fidelity. Staff stated that it had reviewed Fidelity's proposed tariffs, as amended, and found that they conformed to the Commission's standards as set forth in the order granting certificates. Staff noted that Fidelity will be providing basic local exchange telecommunications services on both a facilities and a resold basis throughout all exchanges served by GTE Midwest Incorporated. Staff further

¹ The order granting the certificate stated that "...this case will be closed and when [Fidelity] files the required tariff it will be assigned a new case number." However, since the Commission had not yet closed this case when Fidelity filed its tariffs, the Commission decided to keep this case open and not to assign the tariff a new case number.

noted that Fidelity's tariffs reflect that the exchanges of Bourbon, Cuba and Saint James are the only exchanges which Fidelity proposes to serve at this time. Fidelity's proposed tariffs, according to Staff, contain lists of the waivers approved by the order granting certificates, are similar to other competitive local exchange carrier tariffs previously approved by the Commission and concur to a great extent to the tariffs of Fidelity Communications Services I, Inc. approved in case number TA-2000-191.

No motions to suspend the tariffs were filed, no applications to intervene were filed, and no party has requested a hearing. 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 requested a hearing, the Commission may grant the relief requested based on the filings.

The Commission finds that Fidelity's tariff filing is reasonable, in the public interest, and should be approved.

IT IS THEREFORE ORDERED:

1. That the tariff sheets filed by Fidelity Communication Services II, Inc. on November 13, 2000, and as revised on December 6, 2000, are approved for service on and after December 28, 2000. The tariff sheets approved are:

Fidelity Communications Services II, Inc. P.S.C. Mo. No. 1

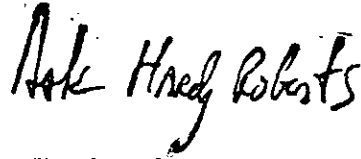
- Section 1, Original Sheet 1A
- Section 1, Original Sheet 1B
- Section 2, Original Sheet 1
- Section 3, Original Sheet 1
- Section 4, Original Sheet 1
- Section 5, Original Sheets 1-2
- Section 6, Original Sheets 1-4

Fidelity Communications Services II, Inc. P.S.C. Mo. No. 2

Section 1, Original Sheet 1
Section 2, Original Sheet 1
Section 3, Original Sheet 1
Section 4, Original Sheet 1
Section 5, Original Sheets 1-5
Section 6, Original Sheets 1-7

2. That this order shall become effective on December 28, 2000.
3. That this case may be closed on December 29, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

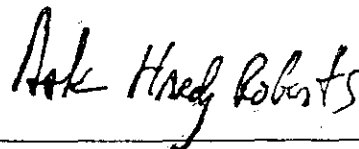
Bill Hopkins, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 19th day of December, 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 19th day of December 2000.



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

