

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
October 25, 2000**

**CASE NO: TM-2000-531**


**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

**Charlotte Lindell**  
Arter & Hadden, LLP  
2 Embarcadero Center, 5<sup>th</sup> Flr  
San Fransisco, CA 94111-3824

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

**Sincerely,**

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

**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	)	
Innovative Telecom Corp. for an Order	)	
Approving the Transfer of its Assets	)	<u>Case No. TM-2000-531</u>
to Enhanced Global Convergence	)	
Services, Inc.	)	

**ORDER APPROVING TRANSFER OF ASSETS**

Innovative Telecom Corp. (ITC) filed an Application for Order Approving Transfer of Assets on February 25, 2000, requesting the Commission's approval of the transfer of ITC's assets to Enhanced Global Convergence Services, Inc. (eGCS).

The application stated that ITC was granted a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri on June 12, 1996, in Case No. TA-96-388. ITC stated that it provides limited interexchange traffic in Missouri as a prepaid calling card provider and is classified as a competitive telecommunications company. ITC stated that its principal place of business address is c/o Timothy P. Bass, Innovative Telecom Corp., 1740 Massachusetts Avenue, Boxborough, Massachusetts 01719.

The application stated that on August 5, 1999, ITC entered into an asset purchase agreement with eGCS, then known as Innovative Enhanced Communications Services, Inc. The assets sold included ITC's computerized calling card platforms designed to measure calls and validate calling cards and calling codes. The application further

stated that ITC and eGCS consummated that transfer of assets in August of 1999. ITC stated that, while it is now impossible to seek approval of the Missouri Commission for the transaction in advance of consummation, ITC wishes to comply to the extent possible with all Missouri statutes and regulations governing the provision of long distance resale service in Missouri, and is therefore making this filing seeking approval on a prospective basis.

The application stated that, at the time the asset transfer was executed and consummated, it was eGCS' plan to focus on transaction processing (measuring calls and validating calling cards) on behalf of other carriers rather than providing common carrier service in Missouri. The application stated that ITC had been carrying only a very small volume of interexchange traffic, with its principal business being transaction processing for other carriers. The application stated that ITC had carried its own calls in that it sold promotional prepaid calling cards to third parties who gave them away for marketing purposes. The application further stated that, subsequent to the consummation of the transfer of assets, eGCS determined to focus on the provision of toll services by resale in certain states, including Missouri.

ITC stated that eGCS filed its own application seeking a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri concurrently with the filing of this application. The application stated that eGCS will provide service under its own certificate and tariff, if granted and approved

by the Commission. The application stated that since the execution of the asset purchase agreement, ITC and eGCS have cooperated in the provision of intrastate interexchange telecommunications services in Missouri under the existing ITC certificate. ITC stated that the transition had been seamless to Missouri customers and that all prepaid calling cards issued by ITC will continue to be honored.

The application stated that eGCS does not anticipate removing ITC structures, facilities or equipment, if any, from Missouri, and therefore, there should be no impact on taxes, if any, due Missouri political subdivisions. The application further stated that there are no pending or final judgments of any federal or state agency involving customer services or rates against eGCS. ITC requested that the Commission grant an order approving prospectively the transfer of its assets to eGCS.

On June 23, 2000, the Staff of the Missouri Public Service Commission (Staff) filed its recommendation. Staff stated that ITC was granted its certificate of service authority to provide intrastate interexchange telecommunications services in Case No. TA-96-388 and that eGCS was granted a certificate of service authority in Case No. TA-2000-530. Staff stated that the Commission may approve a transfer of assets if it is not detrimental to the public interest. State ex rel. Fee Fee Trunk Sewer, Inc. v. Litz, 596 S.W.2d 466, 468 (Mo. App. E.D. 1980). Staff stated that it had reviewed the application for transfer of assets and believes that the transaction will not be detrimental to the public interest. Staff recommended that the

Commission approve the application for transfer of assets of ITC to eGCS on a prospective basis.

The Commission has reviewed the application and Staff's recommendation and finds that the transfer of assets from ITC to eGCS is not detrimental to the public interest. The Commission will approve the transfer of ITC's assets to eGCS as requested.

**IT IS THEREFORE ORDERED:**

1. That the transfer of the assets from Innovative Telecom Corp. to Enhanced Global Convergence Services, Inc., requested on February 25, 2000, is hereby approved.
2. That this order shall become effective on November 4, 2000.
3. That this case may be closed on November 5, 2000.

**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 Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,  
on this 25th day of October, 2000.

FYI: To Be Issued By Delegation

ALI/Sec'y: Register/Boyer

10-24 10-27  
Date Circulated Return by 3 p.m.  
109M

TM-2000-531  
CASE NO.

<u><i>SL</i></u>	_____ Lunipe, Chair
<u><i>MD</i></u>	_____ Drainer, Vice Chair
<u><i>CM</i></u>	_____ Murray, Commissioner
<u><i>LS</i></u>	_____ Schemenauer, Commissioner
<u><i>KS</i></u>	_____ Simmons, Commissioner

## STATE OF MISSOURI

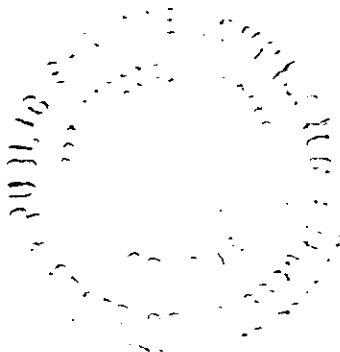
### OFFICE OF THE PUBLIC SERVICE COMMISSION

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 25<sup>th</sup> day of Oct. 2000.



*Dale Hardy Roberts*

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge