

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 12th
day of October, 1993.

In the matter of the application)	
of Madison Law Building, G.P.)	
for Certificate of Service)	<u>Case No. TA-94-23</u>
Authority to provide shared tenant)	
services within the State of)	
Missouri.)	

ORDER APPROVING CERTIFICATE OF SERVICE AUTHORITY
TO PROVIDE SHARED TENANT SERVICE

On July 23, 1993, Madison Law Building, G.P. (Madison) filed a verified application seeking a Certificate of Service Authority to provide shared tenant services (STS). The Commission issued its Order and Notice on August 20, 1993, which set an intervention date of September 20, 1993. No application to intervene or motion to schedule a hearing was filed. Since no proper party filed an application to intervene and there are no outstanding requests for hearing, the Commission determines that an oral hearing is not necessary and the Applicant may submit evidence in support of its Application by verified statement. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. 1989).

On September 17, 1993, Madison filed an Amended Application in which it made some minor corrections to the initial Application and on September 23, 1993, the Missouri Public Service Commission Staff (Staff) filed a Memorandum in which it recommended that the Commission approve the Application of Madison for the STS certificate. Madison's original Application indicated that Southwestern Bell Telephone Company (SWBT) owned the riser cable in the building. However, SWBT informed the Staff that it did not own any riser cable at Applicant's

premises and Madison's substitute sheet to its Application indicates that the riser cable was owned by the Applicant.

"Private shared tenant services" includes the provision of telecommunications and information management services and equipment within a user group located in discrete private premises as authorized by the Commission by a commercial shared services provider or a user association, through privately owned customer premises equipment and associated data processing and information management services and includes the provision of connections to the facilities of local exchange telecommunications companies and to interexchange telecommunications companies as defined in 386.020(30), RSMo (Supp. 1992).

The Commission set twelve (12) standards for providing STS in Case No. TO-86-53. The Staff has reviewed this Application in light of those standards and concluded that this Application meets all of those standards. The Applicant has met the procedural requirements of the Commission in terms of providing the documentation required by 4 CSR 240-2.060. The Commission has jurisdiction over the Applicant pursuant to 386.250, RSMo 1986, and the Commission has the authority to grant the permission and approval herein specified pursuant to 392.520, RSMo (Supp. 1992).

The Commission has reviewed the Application of Madison and the Memorandum of Staff and finds that Madison is a partnership which has provided a copy of its partnership agreement and which has agreed to abide by all Missouri Commission Rules and Regulations which are applicable to providers of STS. Madison proposes to provide STS to an entire office building which is owned and operated by Madison and which is leased primarily to attorneys. Services provided by Madison will include PBX service and interconnection with the local exchange and interexchange carriers. Madison agrees to allow the tenants to subscribe for services directly from the local exchange company, should they so wish.

The Commission finds that the requested certificate would be in the public interest. This finding is based upon the fact that the local telephone company stranded investment would be minimized as there does not appear to be a plan to target existing customers nor is there any planned mass disconnection of telephone lines from the local exchange company. Also, the necessary applicant facilities are in place and will continue to be provided for those tenants who wish to take service from the local exchange carrier.

Based upon the evidence presented, the Commission concludes the proposed services are necessary and convenient for the public interest. The Commission has concluded that the Applicant is qualified both technically and financially to undertake this project and that there is a need for this service and that this service will promote the public interest.

The Commission concludes that this Application was filed pursuant to Sections 392.440 and 392.520, RSMo (Supp. 1992), which provides that any company offering the resale of local exchange telecommunications services must first obtain a Certificate of Service Authority. The Commission finds that the grant of authority requested in this Application is in the public interest and as such it shall be granted.

IT IS THEREFORE ORDERED:

1. That Madison Law Building, G.P., be hereby granted a Certificate of Service Authority to provide shared tenant services in the state of Missouri.
2. That the certificate granted herein applies only to the specific building described and does not extend to any other location.

3. That this Order shall become effective on October 22, 1993.

BY THE COMMISSION

A handwritten signature in cursive script, reading "David L. Rauch".

David L. Rauch
Executive Director

(S E A L)

Mueller, C., McClure, Perkins,
Kincheloe and Crumpton, CC., Concur.