

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the matter of the application of LDCC, Inc. for)
classification as a competitive telecommunications)
company providing competitive telecommunications)
services.)

CASE NO. TA-92-30

APPEARANCES: Willard C. Reine, Attorney at Law, 314 East High Street,
Jefferson City, Missouri for LDCC, Inc.

Randy Bakewell, Assistant Public Counsel, P. O. Box 7800,
Jefferson City, Missouri 65102, for the Office of the
Public Counsel and the Public.

HEARING

EXAMINER: C. Gene Fee

REPORT AND ORDER

On September 6, 1991, LDCC, Inc., (Applicant) filed its verified
application seeking classification as a competitive company.

The Commission issued its Order and Notice on September 18, 1991, directing
its Executive Secretary to send notice of this application. On September 23, 1991,
the Office of the Public Counsel (OPC) filed its Motion For Hearing because of the
Applicant's request for waiver of 4 CSR 240-33.030 which requires the telephone
utility to inform its customers of the lowest cost service available. In response
to the request the Commission, by order issued October 22, 1991, set the application
for hearing.

On October 25, 1991, OPC filed its Request For Permission To Withdraw
Motion For Hearing which was responded to by the Applicant's Motion To Cancel Hearing
filed on October 28, 1991.

By order issued November 1, 1991, the Commission cancelled the hearing
previously set. No other application to intervene or motions to schedule a hearing
were filed. On December 9, 1991, the Staff of the Missouri Public Service Commission
(Staff) filed its Memorandum recommending approval of the application.

Findings of Fact

The Missouri Public Service Commission, having considered all of the competent and substantial evidence upon the whole record, makes the following findings of fact.

Pursuant o Section 392.361, RSMo Cum. Supp. 1990, Applicant requests that the Commission classify it as a competitive telecommunications company.

In this case, notice was sent by the Executive Secretary of the Commission to any persons or entities known to the Telecommunications Department of the Public Service Commission to be rendering identical or similar services within the Applicant's service area, as well as to each telephone company rendering local exchange service in Missouri. Interested persons or entities were directed to intervene on or before October 18, 1991. Since no proper party or governmental entity seeks to intervene and neither the Staff nor the Office of Public Counsel seeks a 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).

By memorandum filed herein Staff recommends that the Commission grant Applicant the authority requested. By its recommendation filed herein Staff states that the Applicant's services are the similar to services provided by other competitive telecommunications companies classified as competitive in Case No. TO-88-142, In re the investigation for the purpose of determining the classification of the services provided by interexchange telecommunications companies within the State of Missouri (September 15, 1989). Therefore, Staff recommends that the Commission grant Applicant competitive status.

Based upon the verified statement of Applicant and Staff's recommendation, the Commission finds that all of the services Applicant offers are competitive and that Applicant should, therefore, be classified as a competitive company. The Commission further finds that the statutory and regulatory requirements waived in

Case No. TO-88-142 for competitive companies and their services pursuant to Section 392.361, RSMo Cum. Supp. 1990, should be waived for Applicant, as listed hereinafter.

Conclusions of Law

The Missouri Public Service Commission has arrived at the following conclusions of law.

The Commission has jurisdiction over this matter pursuant to Section 392.361, RSMo. Cum. Supp. 1990. As required by that section Applicant proposes to provide service to the public as a competitive intrastate interexchange telecommunications company. The Commission has found and therefore concludes that Applicant's services are similar to those previously granted competitive status and so Applicant should be classified as a competitive company pursuant to Section 392.361. The Commission concludes that waiver of certain statutes and rules for Applicant is consistent with the treatment of other competitive companies.

IT IS THEREFORE ORDERED:

1. That LDCC, Inc., be classified hereby as a competitive telecommunications company for which the following statutory and regulatory requirements shall be waived:

Section 392.270	Property valuation
Section 392.280	Depreciation accounts
Sections 392.290; 392.310; 392.320; 392.330; 392.340(1); and 392.340	Carrier's issuance of stocks, bonds, and other indebtedness; and the reorganization of the company.
4 CSR 240-30.010(2)(C)	Copies of rate schedules
4 CSR 240-30.060(5)	Rate case requirements
(B-O):	
(5)(B)	General Information
(5)(C)	Establishes minimum filing requirements and information provided such as test year rate base, return on equity, etc.
(5)(D)	Rate Base
(5)(E)	Plant Investment
(5)(F)	Accumulated Provision for Depreciation, Amortization & Depletion
(5)(G)	Working Capital
(5)(H)	Financial Information
(5)(I)	Comparative Financial Operation Data

(5)(J)	Test Year Utility Operating Income Statement and Adjustments
(5)(K)	Depreciation
(5)(L)	Taxes
(5)(M)	Allocation or Separation Basis
(5)(N)	Proposed Rate Schedule
(5)(O)	Budget Data
4 CSR 240-32.030(1)(C)	Access line and grade of service complaints
4 CSR 240-32.050(3)	Information at business offices
4 CSR 240-32.050(4)	Telephone directories
4 CSR 240-32.050(5)	Call interception
4 CSR 240-32.050(6)	Telephone number changes
4 CSR 240-32.070(4)	Coin telephone
4 CSR 240-33.030	Inform customers of the lowest priced service

2. That LDCC, Inc., shall file tariffs within thirty (30) days of the effective date of this Report and Order identifying its competitive status and the Commission rules waived herein.

3. That nothing contained herein shall be construed as a finding by the Commission of the value for ratemaking purposes of the properties herein involved, nor as an acquiescence in the values placed upon said properties by the Applicant.

4. That this Report and Order shall become effective on the 31st day of December, 1991.

BY THE COMMISSION

Brent Stewart

Brent Stewart
Executive Secretary

(S E A L)

Mueller, Rauch, McClure and
Perkins, CC., Concur.
Steinmeier, Chm., Absent.

Dated at Jefferson City, Missouri,
on this 18th day of December, 1991.