

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the matter of the application of Heartland)
Health System, Inc. for certificate of)
service authority to provide shared tenant)
services within the state of Missouri.)
)

Case No. TA-94-188

APPEARANCES: Mark R. Woodbury, Attorney at Law, 3101 Frederick Ave., P.O. Box 6217, St. Joseph, Missouri 64501, for Heartland health System, Inc.

Martha S. Hogerty, Public Counsel, P.O. Box 7800, Jefferson City, Missouri 65102, for the Office of the Public Counsel and the Public.

Cherlyn McGowan, Assistant General Counsel, Public Service Commission, P.O. Box 360, Jefferson City, Missouri 65102, for the Staff of the Missouri Public Service Commission.

HEARING

EXAMINER: Dale Hardy Roberts

REPORT AND ORDER

On December 13, 1993, Heartland Health System, Inc. (Heartland or Applicant) filed a verified Application seeking a Certificate of Service Authority to provide shared tenant services (STS).

The Commission issued its Order And Notice on December 22, 1993, directing its Executive Secretary to send notice of this Application. The Commission stated that in the event no proper party filed a request for hearing alleging that the granting of the application is not in the public interest, the Commission would grant the certificate of service authority requested herein on the basis of the verified Application. No application to intervene or motion to schedule a hearing was filed. Interested parties were directed to apply for

intervention not later than January 24, 1994. No application to intervene or motion to schedule a hearing was filed.

On February 14, 1994, Heartland filed an Amended Application in which it indicated that it was not requesting STS service for a single building or less but, rather the Amended Application requested STS approval for a multi-building arrangement. On February 25, 1994, the Commission's staff filed its Memorandum herein 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.

Heartland is requesting authority to provide STS service to a building referred to as the Medical Office Plaza (Plaza). Both of these buildings are located on ground which is owned by Heartland. Heartland will provide all utilities and will bill all services directly to the tenants of Plaza. Heartland will occupy 33 percent of the Plaza building and retains the right to accept or reject any prospective tenant. It is intended that all tenants will be health field related. Heartland intends to provide PBX services and has agreed to allow any tenant to subscribe for services directly from the local exchange should the tenant prefer to do so.

Applicant requests authority to provide STS within the state of Missouri. Applicant is a Missouri corporation operating from a principal place of business located at 5325 Faraon St., St. Joseph, Missouri 64506.

The Commission's most recent case involving an STS application for multiple buildings was *In The Matter Of The Application Of Research Medical Center*, Case No. TA-92-113, et. al. In that case, the Commission found that STS

locations should be discrete private premises with, at least, the three (3) following components:

(1) The first component would be that all buildings are located on either a continuous single tract of land or upon adjacent and abutting tracts of land, only separated by a public thoroughfare.

(2) The second component would be that all buildings and land must be subject to the same common ownership interest and;

(3) The third component would be that all buildings and all land should be located in the same wire center.

The record in this case reflects that the underlying land is held by common ownership, and the Plaza building to be served is under partial ownership with the Heartland East Hospital building. Both buildings are located on a continuous single tract of land and appear to be in the same wire center.

The Commission has reviewed this Application in light of the authority granted in Case No. TA-92-113, and the Commission has reviewed the Staff recommendation in this case. The Commission finds that the map provided by the Applicant demonstrates the close relative proximity of the proposed STS locations and that the boundaries therein are easily discernable and definite. The Commission further finds the proposed STS location is considered to constitute a discrete premise. The Commission finds this Application complies with the guidelines which were set out in TA-92-113 and that the authority requested herein would be in the public interest.

Conclusions of Law

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

This application is filed pursuant to Sections 392.440 and 392.520, RSMo Supp. 1993, which provides that any company offering the resale of local exchange telecommunications service must first obtain a certificate of service authority. Section 392.440 further provides that the Commission shall approve such application upon a showing by the applicant and a finding by the Commission, after notice and hearing, that the grant of authority is in the public interest.

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).

The Commission finds that the approval of this application is in the public interest and a certificate of service authority to provide STS should be granted.

IT IS THEREFORE ORDERED:

1. That Heartland Health System, Inc. be hereby granted a Certificate of Service Authority to provide shared tenant services in the state of Missouri. The authority granted herein applies only to the buildings described in the Application and does not extend to any other buildings.

2. That this Report And Order shall become effective on March 25,
1994.

BY THE COMMISSION

A handwritten signature in cursive script that reads "David L. Rauch".

David Rauch
Executive Secretary

(S E A L)

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

Dated at Jefferson City, Missouri,
on this 15th day of March, 1994.