

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 29th
day of December, 1993.

In the matter of the application of MCI	)	
Telecommunications Corporation, MCI	)	
Financial Management Corporation,	)	
Telecom*USA, Teleconnect Company,	)	<u>Case No. TO-92-134</u>
Teleconnect Long Distance Services and	)	
Systems Company, and American	)	
Communications, Inc. for approval of	)	
reorganization.	)	

ORDER CLOSING DOCKET

On March 25, 1992, the Public Service Commission issued an Order Approving Reorganization in the above referenced case. MCI Telecommunications Corporation, MCI Financial Management Corporation, Telecom*USA, Teleconnect Company, Teleconnect Long Distance Services and Systems Company, and American Communications, Inc. (Joint Applicants) had filed an Application for approval of reorganization. Each of the above referenced applicants is a wholly owned subsidiary of MCI Communications Corporation. On March 12, 1992, the Missouri Public Service Commission Staff (Staff) filed its recommendation that the Commission approve the Joint Applicants' request for reorganization. The Staff stated at that time that the reorganization simply represented an internal restructuring and that no existing certificates or tariffs would change as a direct result of the filing.

On March 25, 1992, the Commission issued an Order Approving Reorganization, in which it ordered, "That MCI Telecommunications Corporation file Board of Directors resolutions authorizing the reorganization as soon as they are available." Approximately eighteen (18) months later it appeared that MCI Telecommunications Corporation had failed or refused to comply with that order. On October 12, 1993, the Commission issued an Order to Comply With a

Prior Commission Order in which it cited Section 386.570, RSMo 1986, and referred to the potential for a penalty of up to two thousand dollars (\$2,000) per day for failure or refusal of a regulated utility to comply with an order of the Public Service Commission. On October 20, 1993, the Joint Applicants to this case filed a Notice of Abandonment and Request to Withdraw the Application. In this notice and request the Joint Applicants stated that the proposed reorganization in this matter was abandoned and that the resolutions described in the Commission's order would not be available. The Joint Applicants further stated that it was only through inadvertence that they had not advised the Commission of these facts. The Joint Applicants advised the Commission that no further action was requested of the Commission and requested that the Commission allow them to withdraw their Application from further consideration and to dismiss this proceeding.

The Commission is not convinced that a party has the procedural right to withdraw an application upon which a final order has already issued. 4 CSR 240-2.110(7) provides for the absolute right to dismiss or withdraw an application prior to the filing of prepared testimony but this rule is silent as to the situation herein. The Commission reads that provision in the rule to suggest that the right of dismissal or withdrawal applies prior to the commencement of certain contested or final actions. The Commission finds that the issuance of an order granting the action requested in a case negates the applicant's absolute right to withdraw their application. As a matter of procedure and also in the interest of maintaining a clear record in this case, the Commission will allow the abandonment of the reorganization, suspend any compliance with the Order Approving Reorganization, and order this docket closed.

The Commission finds that it may not be in the public interest to require a regulated utility to proceed with business decisions which that utility has subsequently deemed inadvisable or inappropriate. The Commission further finds that it is in the public interest to grant the Joint Applicants' request

to abandon previously approved actions where they have abandoned their intention to proceed.

IT IS THEREFORE ORDERED:

1. That the request to withdraw the Application is denied as having been untimely.
2. The request of Joint Applicants to abandon the reorganization is hereby granted and no further action shall be required of the Joint Applicants in response to the Commission's Order Approving Reorganization.
3. That the Commission's Order to Comply With Prior Commission Order is hereby deemed to have been satisfied and the Joint Applicants will not be required to undertake any further action to satisfy that order.
4. That this docket shall be finally closed.
5. That this order shall become effective on January 11, 1994.

BY THE COMMISSION



David L. Rauch
Executive Secretary

(S E A L)
McClure, Perkins
Kincheloe and Crumpton, CC., Concur.
Mueller, Chm., Absent.