

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
February 1, 2000**

CASE NO: TA-2000-347

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

Sincerely,



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)	
CAT Communications International, Inc.)	
for a Certificate of Service Authority to)	
Provide Interexchange and Basic Local)	<u>Case No. TA-2000-347</u>
Exchange Telecommunications Services in the)	
State of Missouri and to Classify Said)	
Services and the Company as Competitive)	

ORDER GRANTING INTERVENTION
AND DIRECTING FILING OF PROCEDURAL SCHEDULE

CAT Communications International, Inc. (CAT) filed an Application with the Missouri Public Service Commission (Commission) on December 8, 1999, for a certificate of service authority to provide resold interexchange and basic local telecommunications service in portions of the state of Missouri and for competitive classification. Along with the application, CAT submitted proposed tariff sheets with an effective date of January 25, 2000.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on December 14, 1999, directing parties wishing to intervene to file their requests by January 13, 2000.

On January 7, 2000, the Small Telephone Company Group (STCG), which is composed of twenty-eight small telephone companies in Missouri, filed its timely application to intervene. STCG states that its members are "telecommunications companies" and "public utilities" as those terms are

defined by Section 386.020, RSMo, and are all authorized to provide telecommunications services in Missouri. STCG states that the granting or denying of a certificate of service authority to CAT will directly affect STCG's interests as providers of telecommunications services in Missouri. STCG states that its interests are different from that of the general public. STCG states that its expertise in and perspective on the provision of telecommunication services in this state will aid the Commission in resolving the issues related to this proceeding. STCG states that granting it intervention will serve the public interest. STCG did not state whether it opposed or favored CAT's application.

Southwestern Bell Telephone Company (SWBT) filed a timely application to intervene on January 10, 2000. SWBT states that it is a Missouri corporation duly authorized to conduct business in Missouri. SWBT states that it is a "local exchange telecommunications company" and a "public utility," as each of those phrases is defined in Section 386.020, RSMo, and is authorized to provide telecommunications services in Missouri. SWBT states that CAT's telecommunications services will be offered in direct competition with SWBT if CAT's application is granted. SWBT also states that it has a direct interest in the Commission's decision on CAT's application, but that SWBT does not have sufficient information either to support or oppose CAT's application. SWBT further states that its interests as a provider of basic local exchange telecommunications service differ from those of the general public so that no other party can adequately protect SWBT's interest. SWBT states that its intervention is in the public interest because SWBT will bring

its extensive expertise and experience as a telecommunications provider.

On December 14, 1999, the Commission issued its Notice of Deficiency stating that it could not proceed with this case until CAT complied with the Commission's rules, either by amending its application to include a brief statement of the character of the business performed by CAT and whether the company or its services should be classified as competitive or by filing a separate pleading which includes a brief statement of the character of the business performed by CAT and whether the company or its services should be classified as competitive. CAT cured the deficiencies on January 14, 2000, by filing its amendment to the application which showed that CAT was requesting classification as a competitive company and that its business was that of a telecommunications provider offering resold local exchange and interexchange services.

On December 22, 1999, CAT submitted two sets of substitute tariff sheets (one for PSC Mo. No. 1 and one for PSC Mo. No. 2) which, *inter alia*, extended the tariff effective dates until February 8, 2000.

On January 14, 2000, CAT filed its second amendment to its application for a certificate of service authority. CAT requested that its application be amended by changing section 9 of page 5 thereof to request that it be given a waiver of Commission Rule 4 CSR 240-2.060(4)(H). That rule requires that an application for a certificate of service authority to provide telecommunications services shall include a proposed tariff. CAT also requested the withdrawal of the two tariffs and modifications thereof which CAT has filed up to this date.

The Commission has reviewed the applications of STCG and SWBT and finds that that they are both in substantial compliance with Commission rules regarding intervention (i.e., 4 CSR 240-2.075¹) and that STCG and SWBT each have an interest in this matter that is different from that of the general public. The Commission concludes that these requests for intervention should be granted and that the parties should file a proposed procedural schedule. The procedural schedule shall include dates for the filing of testimony and for a hearing. If no party requests a hearing, the Commission may grant the service authority and competitive classification requested without a hearing. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989).

IT IS THEREFORE ORDERED:

1. That the Small Telephone Company Group is granted intervention in this case in accordance with Commission Rule 4 CSR 240-2.075(4).

2. That Southwestern Bell Telephone Company is granted intervention in this case in accordance with Commission Rule 4 CSR 240-2.075(4).

3. That the parties shall file a proposed procedural schedule no later than February 16, 2000. The procedural schedule shall include dates for the filing of testimony and for a hearing.

¹ This rule was not cited by STCG. Commission Rule 4 CSR 240-2.060(1)(D) states, in part, that all applications shall include "[r]eference to the . . . authority under which relief is requested."

4. That this order shall become effective on February 14, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

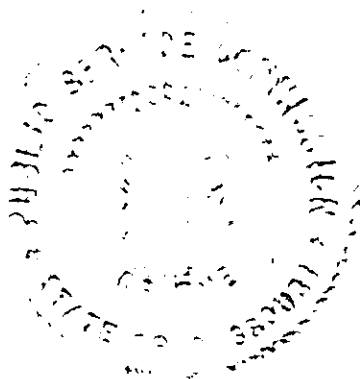
Bill Hopkins, Senior Regulatory Law
Judge, by delegation of authority
pursuant to 4 CSR 240-2.120(1)
(November 30, 1995) and
Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 1st day of February, 2000.

**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 1st day of FEBRUARY 2000.



Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge