

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 21st
day of June, 1996.

William E. Dellinger, Esquire,)	
)	
Complainant,)	
)	
vs.)	<u>CASE NO. TC-96-317</u>
)	
America Online, Inc.)	
8619 Westwood Center Drive)	
Vienna, VA 22182)	
)	
Defendant.)	

ORDER DISMISSING COMPLAINT AND CLOSING CASE FILE

William E. Dellinger, Esquire (Complainant) filed a Complaint with the Public Service Commission (Commission) against America Online, Inc. (America Online) on March 20, 1996, alleging that America Online is a telecommunications company as defined by § 386.020(42) RSMo (1994) and is operating without the required certification by the Commission, and practicing discriminatory pricing. The Commission issued a Notice of Complaint on March 21, 1996; America Online filed its Answer on June 6, 1996, denying that the company provides telecommunications services or comes under the jurisdiction of the Commission.

The Commission, after reviewing the Complaint and Answer filed in this case, finds that the complaint should be dismissed pursuant to 4 CSR 240-2.070(6) without hearing for failure to state a claim. Complainant has stated no facts demonstrating that America Online provides telecommunications services which would bring it under the Commission's jurisdiction.

IT IS THEREFORE ORDERED:

1. That the Complaint of William Dellinger, Esquire against America Online, Inc. is dismissed.
2. That the docket in Case No. TC-96-317 is closed.
3. That this order shall become effective on July 2, 1996.

BY THE COMMISSION

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

David L. Rauch
Executive Secretary

(S E A L)

Zobrist, Chm., McClure, Kincheloe,
Crumpton, and Drainer, CC., Concur.

ALJ: Freeman.