

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held at its office
in Jefferson City on the 20th
day of June, 1989.

In the matter of International Telecharge,)	
Inc. for authority to file tariff sheets)	
designed to establish operator services)	CASE NO. <u>TR-89-239</u>
within its certificated service area in)	
the State of Missouri.)	

ORDER REJECTING TARIFFS

On May 30, 1989, International Telecharge, Inc. (ITI) submitted tariffs to this Commission proposing to offer operator services. At the same time ITI filed a Motion for Shortened Effective Date for Good Cause Shown. ITI argues that these tariffs should be approved because they provide for rates that are the same as those approved for AT&T's provision of operator services and because they are purportedly in compliance with the conditions contained in the Commission's Report and Order issued in Case No. TA-88-218, et al., which dealt with the provision of operator services in Missouri. ITI asserts that the 30 day effective date requirement set forth in Section 392.220, RSMo Supp. 1988, should be waived in approving these tariffs since ITI alleges that this tariff filing is submitted in order to comply with the order granting partial stay issued May 30, 1989, by the Circuit Court of Cole County, Missouri, in Case No. CV189-506CC.

By pleading filed June 8, 1989, the Office of the Public Counsel (Public Counsel) argues that these tariffs should be rejected because this filing represents an effort by ITI to obtain the authority which was denied it by the Commission in Case No. TA-88-218, et al. Public Counsel notes that these tariffs are substantially similar to those which were rejected by the Commission in that case as not being in the public interest. Public Counsel further notes that the Circuit Court's order of partial stay contains nothing requiring the Commission to accept for filing, consider or approve any new tariff from ITI proposing to offer operator services.

By pleading filed June 9, 1989, the Commission's Staff (Staff) suggests that the Commission dismiss this case. Staff contends that upon issuance of a writ of review by the Cole County Circuit Court, the Commission loses jurisdiction over the matters to be determined by that court upon appeal.

The Commission determines that these tariffs should be rejected. The Commission cannot approve these tariffs given its decision in Case No. TA-88-218, et al. In that case the Commission rejected ITI's operator services tariffs because ITI proposed to provide operator services primarily to traffic aggregators. The Commission found therein that provision of operator services primarily to traffic aggregators posed problems which, at this point in the development of the alternative operator services (AOS) market, were not solvable by regulation. Re: Application of American Operator Services, Inc. for a certificate of service authority, Case No. TA-88-218, et al. (April 17, 1989). There is no indication in ITI's tariffs or motion filed herein that it is no longer primarily a provider of operator services to traffic aggregators. Therefore, there is no basis upon which to change the decision made in Case No. TA-88-218, et al., as to ITI's operator services tariffs. Likewise the Commission believes that it would be a waste of resources to suspend these tariffs and relitigate the issues so recently litigated in Case No. TA-88-218, et al.

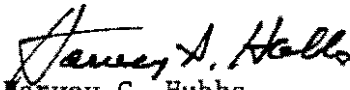
The Commission will not dismiss this case in order to preclude any argument that these tariffs, if not rejected, might become effective by operation of law. Rejection of these proposed tariffs is consistent with the Commission's order in TA-88-218, et al. and will avoid any futile relitigation of the issues addressed therein.

It is, therefore,

ORDERED: 1. That the operator services tariffs filed herein by International Telecharge, Inc., on May 30, 1989, are rejected hereby.

ORDERED: 2. That this order shall become effective on the 29th day of June, 1989.

BY THE COMMISSION


Harvey G. Hubbs
Secretary

(S E A L)

Steinmeier, Chm., Mueller
Hendren and Rauch, CC., Concur.
Fischer, C., Dissents.

O'Donnell - Riley

CASE NO. TR-89-239

WDS

Chairman

QCM

Commissioner

BA

Commissioner

JMZ-110

Commissioner

Commissioner

3/1584c

Good Cause

6/20/89

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 20th day of June, 1989.

Harvey G. Hubbs

Harvey G. Hubbs
Secretary