

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 8th
day of August, 1997.

In the Matter of the Application of)
White River Technologies, L.L.C.,)
for a Certificate of Authority to)
Provide Interexchange and Nonswitched)
Local Telecommunications Services)
within the State of Missouri.)

CASE NO. TA-98-2

**ORDER APPROVING INTEREXCHANGE AND LOCAL EXCHANGE CERTIFICATES OF
SERVICE AUTHORITY AND ORDER APPROVING TARIFF**

White River Technologies, L.L.C. (Applicant) applied to the Public Service Commission on July 1, 1997, for a certificate of service authority to provide intrastate interexchange and local exchange telecommunications services in Missouri under Sections 392.410 - .450 RSMo 1994¹. Applicant asked the Commission to classify it as a competitive company and waive certain statutes and rules as authorized by Sections 392.361 and 392.420. Applicant is a Missouri limited liability company, with its principal office located at East Highway 76, P. O. Box 969, Branson, Missouri 65615.

The Commission issued a Notice of Applications and Opportunity to Intervene on July 8, directing parties wishing to intervene in the case to file their requests by July 23. The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989). Since no one has asked permission to intervene

¹All statutory references are to the Revised Statutes of Missouri 1994 or the 1996 Supplement.

or requested a hearing in this case, the Commission may grant the relief requested based on the verified application.

Applicant filed a proposed tariff in conjunction with its application and filed substitute sheets on July 29. The tariff's effective date is August 15. Applicant's tariff describes the rates, rules, and regulations it intends to use, identifies Applicant as a competitive company, and lists the waivers requested. Applicant intends to provide interexchange and local exchange telecommunications services including private line services.

In its Memorandum filed on August 4, the Staff of the Commission stated that Applicant's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant Applicant a certificate of interexchange service authority, and a certificate of service authority for local exchange telecommunication services on condition that this authority be restricted to providing dedicated, nonswitched local exchange private line services. Staff recommended that the Commission grant Applicant competitive status, and waiver of the statutes and rules listed in the Notice. Staff recommended that the Commission approve the proposed tariff to become effective on August 15.

The Commission finds that competition in the intrastate interexchange and local exchange telecommunications markets is in the public interest and Applicant should be granted a certificate of service authority. The Commission finds that the services Applicant proposes to offer are competitive and Applicant should be classified as a competitive company. The Commission is of the opinion that waiving the statutes and Commission rules set out in Ordered Paragraph 3 is reasonable and not detrimental to the public interest.

The Commission determines, by authority of Section 392.470, that Applicant should comply with the following regulatory requirements as reasonable and necessary conditions of certification:

- (1) Applicant must comply with reasonable requests by Staff for financial and operating data to allow Staff to monitor the intraLATA toll market. § 386.320.3.
- (2) Applicant must file tariffs containing rules and regulations applicable to customers, a description of the services provided, and a list of rates associated with those services in accordance with 4 CSR 240-30.010 and Section 392.220.
- (3) Applicant may not unjustly discriminate between its customers. §§ 392.200, 392.400.
- (4) Applicant must comply with all applicable rules of the Commission except those specifically waived by this order. §§ 386.570, 392.360.
- (5) Applicant must file a Missouri-specific annual report. §§ 392.210, 392.390.1.
- (6) Applicant must comply with jurisdictional reporting requirements as set out in each local exchange company's access services tariffs. § 392.390.3.
- (7) Applicant must submit to the Staff, on a confidential basis, a copy of the jurisdictional report it submits to local exchange companies. The report must be submitted within ten (10) days of the date on which it is submitted to the local exchange company.

The Commission finds that Applicant's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar

to tariffs approved for other Missouri certificated interexchange and local exchange carriers. The Commission finds that the proposed tariff filed on July 1, and amended on July 29, should be approved to become effective on August 15.

IT IS THEREFORE ORDERED:

1. That White River Technologies, L.L.C. is granted a certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri, subject to the conditions of certification set out above.

2. That White River Technologies, L.L.C. is granted a certificate of service authority to provide local exchange telecommunications services in the state of Missouri limited to providing dedicated, nonswitched local exchange private line services, subject to the conditions of certification set out above.

3. That White River Technologies, L.L.C. be classified as a competitive telecommunications company. The following statutes and regulatory rules shall be waived:

Statutes

- 392.240(1) - ratemaking
- 392.270 - valuation of property (ratemaking)
- 392.280 - depreciation accounts
- 392.290 - issuance of securities
- 392.310 - stock and debt issuance
- 392.320 - stock dividend payment
- 392.330 - issuance of securities, debts and notes
- 392.340 - reorganization(s)

Commission Rules

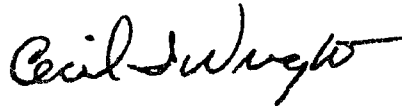
4 CSR 240-10.020	- depreciation fund income
4 CSR 240-30.010(2)(C)	- rate schedules
4 CSR 240-30.040	- Uniform System of Accounts
4 CSR 240-32.030(1)(B)	- exchange boundary maps
4 CSR 240-32.030(1)(C)	- record keeping
4 CSR 240-32.030(2)	- in-state record keeping
4 CSR 240-32.050(3)	- local office record keeping
4 CSR 240-32.050(4)	- telephone directories
4 CSR 240-32.050(5)	- call intercept
4 CSR 240-32.050(6)	- telephone number changes
4 CSR 240-32.070(4)	- public coin telephone
4 CSR 240-33.030	- minimum charges rule
4 CSR 240-33.040(5)	- financing fees

4. That the tariff filed by White River Technologies, L.L.C. on July 1, 1997, is approved as amended to become effective on August 15, 1997. The tariff approved is:

P.S.C. Mo. No. 1

5. That this order shall become effective on August 15, 1997.

BY THE COMMISSION



**Cecil I. Wright
Executive Secretary**

(S E A L)

Crumpton, Murray, Lumpe
and Drainer, CC., concur.
Zobrist, Chm., absent.

ALJ: George