

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 4th
day of May, 1994.

Joint Application for authority for LDDS)	
Communications, Inc. to merge with)	<u>Case No. TM-93-326</u>
Metromedia Communications Corporation and)	
Resurgens Communications Group, Inc.)	

ORDER APPROVING TARIFF

On February 9, 1994, the Commission issued an Order Recording the Change of Name from "LDDS-METRO Communications, Inc." to "LDDSMETROMEDIA Communications." This order directed LDDSMETROMEDIA (LDDS or Company) to file either an adoption notice or a new tariff to reflect the name change within thirty (30) days. On March 29, 1994, the Commission issued an Order to Comply in which it noted that LDDS had failed to respond to the Order Recording Change of Name in a timely manner and which further ordered the Staff to investigate LDDS to determine if it was operating in non-compliance with the Commission order or, in the alternative, to determine if LDDS was operating without a tariff or with an invalid tariff. The order also directed LDDS to respond directly to the Commission to state whether or not it was operating without the ordered tariff or adoption notice.

On April 6, 1994, LDDS filed its Adoption Notice in response to the Commission order and along with the Adoption Notice LDDS advised the Commission that the Adoption Notice was "inadvertently not filed due to corporate reorganization and corporate reassignments."

On April 22, 1994, the Staff of the Missouri Public Service Commission (Staff) filed its Memorandum in response to both the Commission order requiring investigation and also in response to the Adoption Notice filed by the company.

Staff's Memorandum states that LDDS filed a substitute Adoption Notice on April 19, 1994. In response to the Commission's order directing the Staff to investigate whether the Applicant was providing competitive intrastate interexchange telecommunications services in the state of Missouri without an approved tariff, the Staff Memorandum of April 22, 1994 states, "Clearly, the company was in noncompliance of the Commission's February 9, 1994 order through the Company's failure to file a tariff or adoption notice within thirty days. Based on this failure to make the filing, Staff believes the Applicant has been operating out of a tariff without proper authorization. Staff does not believe that the company's noncompliance is intentional." The Staff Memorandum went on to state that in Staff's opinion an assessment of a penalty against the company in this instance would not be necessary. Staff based this opinion upon the fact that once this matter was brought to the attention of the company, it responded with the appropriate filing.

Staff's Memorandum goes on to state that Commission approval of the Applicant's April 6, 1994 tariff filing should finally resolve the issue regarding compliance. With the approval of this tariff filing LDDS will be properly authorized to provide telecommunication services in Missouri. In summary, the Staff recommended approval of the proposed Adoption Notice, as amended. The affected tariff page is identified as P.S.C. Mo. No. 2, Original Adoption Notice Page. The proposed tariff page should be allowed to become effective on May 6, 1994.

The Commission has considered the Staff's recommendation and has reviewed the Applicant's tariff and Adoption Notice. The Commission finds that the proposed tariff page properly identifies the company by the name under which it is now doing business in the state of Missouri. The Commission further finds that the notice clearly reflects the tariffs adopted by the company and, lastly, the Commission finds that the tariff page and adoption notice filed by the

Applicant on April 6, 1994, as substituted on April 19, 1994, comply with the Commission order and should be approved for service on and after May 6, 1994. The Commission also finds that the actions of LDDS in response to the Commission Order to Comply bring it into compliance with the Commission order of February 9, 1994.

IT IS THEREFORE ORDERED:

1. That the tariff sheet filed by LDDSMETROMEDIA on April 6, 1994, as substituted on April 19, 1994, is approved for service on and after May 6, 1994:

P.S.C. Mo. No. 2

Original Adoption Notice Page

2. That this order shall become effective on May 6, 1994.

BY THE COMMISSION



David L. Rauch
Executive Secretary

(S E A L)

McClure, Perkins, Kincheloe
and Crumpton, CC., Concur.
Mueller, Chm., Absent.