

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

2-91

In the matter of the application of Mid-Com Communications, )  
Inc. for a certificate of service authority to resell ) Case No. TA-91-379  
competitive interexchange telecommunications services within)  
the State of Missouri. )

APPEARANCES: James M. Fischer, Attorney at Law, Akre, Wendt & Fischer, 102 East  
High Street, Suite 200, Jefferson City, Missouri 65101, for Mid-Com  
Communications, Inc.

Salvatore "Sam" P. LaMartina, Assistant General Counsel, Missouri  
Public Service Commission, P.O. Box 360, Jefferson City, Missouri  
65102, for Staff of the Missouri Public Service Commission.

HEARING

EXAMINER: Michael F. Pfaff

REPORT AND ORDER

On May 23, 1991, Mid-Com Communications, Inc. (Applicant) filed its verified application for a certificate of service authority authorizing it to provide intrastate interexchange telecommunications services. Applicant has also requested classification as a competitive company.

The Commission issued its Order And Notice on June 2, 1991, directing its Executive Secretary to send notice of this application. No applications to intervene or motions to schedule a hearing were filed. On July 29, 1991, the Staff of the Missouri Public Service Commission (Staff) filed its memorandum recommending approval of the application.

Findings of Fact

The Missouri Public Service Commission, having considered all of the competent and substantial evidence upon the whole record, makes the following findings of fact.

Pursuant to Section 392.440, R.S.Mo. (Cum Supp. 1990), Applicant requests authority to provide intrastate interexchange telecommunications services in the

state of Missouri. Pursuant to Section 392.361, R.S.Mo. (Cum. Supp. 1990), Applicant also requests that the Commission classify it as a competitive telecommunications company.

The requirement of a hearing has been fulfilled when all those having a desire to be heard are offered such an opportunity. In the instant case, notice was sent by the Executive Secretary of the Commission to any persons or entities known to the Telecommunications Department of the Public Service Commission to be rendering identical or similar services within the service area proposed this instant application, as well as to each telephone company rendering local exchange service in Missouri. Interested persons or entities were directed to intervene on or before July 9, 1991. Since no proper party or governmental entity filed an application to intervene and neither the Commission Staff nor the Office of Public Counsel requested a hearing, the Commission determines that a hearing is not necessary and the Applicant may submit its evidence in support of the application by verified statement. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. 1989).

The Commission finds that Applicant is a foreign corporation authorized to do business in the state of Missouri, with its principal office or place of business located at 1601 Fifth Avenue, Suite 1000, Seattle, Washington 98101. The Commission further finds that Applicant has filed current financial information and a brief description of the type of service it proposes to provide, and has agreed to comply with all applicable rules and regulations of the Commission and any terms and conditions which the Commission may impose. By memorandum filed herein, Staff recommends that the Commission grant Applicant a certificate of service authority.

Based upon the verified statements of Applicant and the recommendations of Staff, the Commission finds that Applicant is qualified to perform the service proposed. Pursuant to Sections 392.440 and 392.530, R.S.Mo. (Cum. Supp. 1990), the Commission will assume that additional competition in the intraLATA and interLATA

toll markets is in the public interest. The Commission does not deem it necessary to determine a public need for each reseller's services as the market would eliminate any reseller for which there is no public need. Consequently, pursuant to Section 392.440, R.S.Mo. (Cum. Supp. 1990), the Commission finds that it is in the public interest to grant Applicant a certificate of service authority to provide intrastate interexchange telecommunications services.

Applicant proposes to provide telecommunications service to business customers as a nonfacilities based reseller of interexchange service and does not plan to provide residential service. Applicant will only provide 1+ dialing, will not offer operator services, and is proposing services comparable to, and competitive with, other competitive interexchange companies. Staff therefore recommends, and the Commission finds, that Applicant's proposed services are competitive.

Pursuant to Section 392.470, R.S.Mo. (Cum. Supp. 1990), the Commission determines that certain regulatory requirements should be imposed upon resellers authorized to provide telecommunications services in Missouri. Since Applicant proposes to operate as a reseller of telecommunications services in this state, the Commission finds that the following regulatory requirements should be imposed upon Applicant as reasonable and necessary conditions of certification:

- (1) Applicant is required to comply with reasonable requests by the Staff for financial and operating data to allow the Staff to monitor the intraLATA toll market pursuant to Section 386.320.3, R.S.Mo. 1986;
- (2) Applicant is required to file tariffs containing rules and regulations applicable to customers, a description of the services provided and a list of rates associated with the services pursuant to Section 392.220, R.S.Mo. (Cum. Supp. 1990), and 4 CSR 240-30.010;
- (3) Applicant is precluded from unjustly discriminating between and among its customers pursuant to Section 392.200, R.S.Mo. (Cum. Supp. 1990), and Section 392.400, R.S.Mo. (Cum. Supp. 1990);

- (4) Applicant is required by Section 386.570, R.S.Mo. 1986, and Section 392.360, R.S.Mo. (Cum. Supp. 1990), to comply with all applicable rules of the Commission except those which are specifically waived by the Commission pursuant to Section 392.420, R.S.Mo. (Cum. Supp. 1990);
- (5) Applicant is required to file a Missouri-specific annual report pursuant to Section 392.210, R.S.Mo. (Cum. Supp. 1990), and Section 392.390.1, R.S.Mo. (Cum. Supp. 1990);
- (6) Applicant is required, until the Commission orders otherwise, to submit to the Staff on a confidential basis, quarterly reports showing its percentage of interstate use and intrastate interLATA and intraLATA use pursuant to Section 392.390.3, R.S.Mo. (Cum. Supp. 1990);
- (7) Pursuant to Section 392.390.3, R.S.Mo. (Cum. Supp. 1990), Applicant is required to comply with the jurisdictional reporting requirements as set out in each local exchange company's access services tariff.

Finally, the Commission finds that Applicant should file appropriate tariffs within thirty (30) days of the effective date of this Report and Order. The certificate to be granted herein will become effective only upon approval by the Commission of these tariffs.

#### Conclusions of Law

The Missouri Public Service Commission has arrived at the following conclusions of law.

Applicant proposes to provide service to the public as a [competitive] intrastate interexchange telecommunications company subject to the Commission's jurisdiction pursuant to Chapters 386 and 392, R.S.Mo. (Cum. Supp. 1990).

Based upon the verified application of Applicant and the recommendation of its Staff, the Commission has found that Applicant has complied with the Commission's standards pertaining to applications requesting authority to provide intrastate

interexchange telecommunications services and is qualified to perform said services. The Commission concludes that additional competition in the intrastate interexchange market is in the public interest and a certificate of service authority should be granted. The Commission also has found that all the services Applicant proposes to offer are competitive. Therefore, the Commission concludes that Applicant should be classified as a competitive company pursuant to Section 392.361, R.S.Mo. (Cum. Supp. 1990).

IT IS THEREFORE ORDERED:

1. That Mid-Com Communications, Inc. be granted hereby a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri. This certificate of service authority is subject to the conditions of certification set out herein and shall not become effective until the Commission approves Applicant's tariffs.
2. That Mid-Com Communications, Inc. be classified hereby as a competitive telecommunications company.
3. That Mid-Com Communications, Inc. shall file tariffs for Commission approval within thirty (30) days of the issue date of this Report and Order.
4. That Mid-Com Communications, Inc. shall file with the Commission's Staff on a quarterly basis reports showing its percentage of interstate use and intrastate interLATA and intraLATA use. The first such report shall be filed in the next quarterly period following the effective date of this Report and Order and quarterly thereafter on a confidential basis, unless otherwise ordered by the Commission.

5. That this Report And Order shall become effective on the filing and approval of Applicant's tariffs.

BY THE COMMISSION

*Brent Stewart*

Brent Stewart  
Executive Secretary

(S E A L)

Steinmeier, Chm., Mueller,  
Rauch and Perkins, CC.,  
Concur.  
McClure, C.,  
Absent.

Dated at Jefferson City, Missouri,  
on this 28th day of August, 1991.