

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the matter of the application of Bradlie)	
Business Service for certificate of service)	
authority to provide shared tenant services)	<u>Case No. TA-90-257</u>
within the state of Missouri.)	
)	

APPEARANCES: Fred C. Brown, 222 S. Bemiston, Suite 222, Clayton, Missouri 63105,
pro se.

Katherine C. Swaller, Attorney at Law, 100 North Tucker Boulevard,
St. Louis, Missouri 63101-1976, for Southwestern Bell Telephone
Company.

HEARING
EXAMINER: C. Gene Fee

REPORT AND ORDER

On March 30, 1990, Bradlie Business Service (Applicant) filed a verified application seeking a certificate of service authority to provide shared tenant services (STS).

The Commission issued its Order And Notice on April 10, 1990, directing its Secretary to send notice of this application. The Commission stated that in the event no proper party filed a request for hearing alleging that the granting of the application is not in the public interest, the Commission would grant the certificate of service authority requested herein on the basis of the verified application.

On May 10, 1990, an Application To Intervene was filed by Southwestern Bell Telephone Company (Southwestern Bell) a provider of basic telephone service to the Applicant pursuant to Southwestern Bell's STS tariff. The application recited that Southwestern Bell was opposed to the Applicant's application in its present form because it recites that service will be provided at a single location whereas

Southwestern Bell's investigation revealed that STS would involve two buildings. Southwestern Bell's application recited that the Applicant should be required to obtain a waiver in accordance with Section 37.3.4 of the General Exchange Tariff, which recites, "[T]he STS Customer will limit the provision of shared or resold services to a single STS Building, unless it obtains a waiver from the Missouri PSC."

On June 13, 1990, Applicant filed a Request For Waiver as amended by a second Request For Waiver filed June 15, 1990. In response to the Request For Waiver Southwestern Bell, by letter dated June 27, 1990, indicated its concerns were satisfied and withdrew its request to intervene.

On July 6, 1990, the Commission's staff filed its Memorandum herein recommending approval of the application and the Request For Waiver.

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.

Applicant requests authority to provide STS within the state of Missouri. Applicant is an individual operating from a principal place of business located at 222 S. Bemiston and 230 S. Bemiston, Clayton, Missouri 63105.

The Commission set twelve standards for providing STS in TO-86-53. Staff has reviewed the application in light of these standards and concluded that the instant application meets all of them. Having reviewed the application and its attachments and Staff's recommendation, the Commission finds that a grant of certificate to the Applicant to provide STS at 222 S. Bemiston and 230 S. Bemiston, Clayton, Missouri, would be in the public interest.

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 public utility subject to the Commission's jurisdiction pursuant to Chapters 386 and 392, R.S.Mo. (Supp. 1988).

This application is filed pursuant to Sections 392.440 and 392.520, R.S.Mo. (Supp. 1988), which provides that any company offering the resale of local exchange telecommunications service must first obtain a certificate of service authority. Section 392.440 further provides that the Commission shall approve such application upon a showing by the applicant and a finding by the Commission, after notice and hearing, that the grant of authority is in the public interest. The requirement of a hearing has been fulfilled when all those having a desire to be heard are offered such an opportunity.

The Commission has determined that the approval of this application is in the public interest and a certificate of service authority to provide STS should be granted.

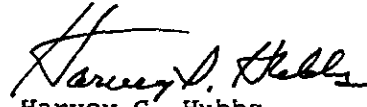
IT IS THEREFORE ORDERED:

1. That Bradlie Business Service is hereby granted a certificate of service authority to provide shared tenant services in the state of Missouri. This certificate of service authority is subject to the conditions of certification set forth in Case No. TO-86-53.

2. That Bradlie Business Service be granted a waiver of Section 37.3.4 of Southwestern Bell Telephone Company's General Exchange Tariff.

3. That this Report And Order shall become effective on 23rd day of July,
1990.

BY THE COMMISSION


Harvey G. Hubbs
Secretary

(S E A L)

Steinmeier, Chm., Mueller, McClure,
and Letsch-Roderique, CC., Concur.
Rauch, C., Absent.

Dated at Jefferson City, Missouri,
on this 13th day of July, 1990.