

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the matter of the application of James R. Estes)
and Sara S. Estes for certificate of service)
authority to provide shared tenant) Case No. TA-91-392
services within the State of Missouri.)

APPEARANCES: Dana L. Frese, Carson & Coil, P.C., P.O. Box 235, Jefferson City,
Missouri 65102, for James R. and Sara S. Estes.

HEARING

EXAMINER: Michael F. Pfaff

REPORT AND ORDER

On June 18, 1991, James R. and Sara S. Estes (Applicants) filed a verified application seeking a certificate of service authority to provide shared tenant services (STS). Applicants also request a waiver of existing Commission rules regarding the provision of STS service whereby Applicants would be allowed to provide said service to three separate buildings, described below, located at 1000 West Nifong, Columbia, Missouri.

The Commission issued its Order And Notice on June 28, 1991, directing its Executive 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. No application to intervene or motion to schedule a hearing was filed.

On August 28, 1991, the Commission's Staff filed its Recommendation herein recommending approval of the application and of Applicants' request for a 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.

Applicants request authority to provide STS within the State of Missouri. Applicants are the individuals as named herein with their principal place of business at 1000 West Nifong, Columbia, Missouri.

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 Applicants to provide STS at the three buildings below described would be in the public interest. The three buildings, all located at 1000 West Nifong, Columbia, Missouri, are herein described as follows:

Building 1 is occupied by James R. and Sara S. Estes, owners of Columbia Property Management, Inc., Great Mid-America Real Estate Company, d/b/a Gaslight/Better Homes and Gardens. Building 2 is owned by Orscheln Properties Company of Moberly, Missouri, and Building 3 is currently under construction. Building 2 and a portion of Building 3 have been leased to Columbia Regional Hospital, who have subleased individual offices therein to physicians, a pharmacy, and a regional medical equipment company.

The Commission finds that it is in the public interest to permit James R. and Sara S. Estes to provide shared tenant services to occupants of the three buildings in question. The waiver permitted hereby extends only to the three buildings described and does not extend to any additional structures which may be erected on the site at 1000 West Nifong, Columbia, Missouri.

Conclusions of Law

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

Applicants propose to provide service to the public as a public utility subject to the Commission's jurisdiction pursuant to Chapters 386 and 392, RSMo (Cum. Supp. 1990).

This application is filed pursuant to Sections 392.440 and 392.520, RSMo (Cum. Supp. 1990), 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 James R. and Sara S. Estes are 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 and is further subject to the terms and conditions of the waiver contained in this Report and Order.

2. That this Report And Order shall become effective on October 11, 1991.

BY THE COMMISSION

Brent Stewart

Brent Stewart
Executive Secretary

(S E A L)

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

Dated at Jefferson City, Missouri,
on this 1st day of October, 1991.