## **BEFORE THE PUBLIC SERVICE COMMISSION**

# **OF THE STATE OF MISSOURI**

In the Matter of the Application of erbia Network, Inc. for a Certificate of Service Authority to Provide Interexchange Telecommunications Services.

Case No. TA-99-422 Tariff No. 9900768

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## ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY AND ORDER APPROVING TARIFF

erbia Network, Inc. (eNI) applied to the Public Service Commission on April 1, 1998, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994<sup>1</sup>. eNI 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. eNI is a Delaware corporation, with its principal office located at 1483 Chain Bridge Road, Suite 300, McLean, Virginia 22101.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on April 6, directing parties wishing to intervene to file their requests by April 21. 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. <u>State ex rel.</u> Rex Deffenderfer Enterprises, Inc. v. Public Service Commission,

<sup>&</sup>lt;sup>1</sup> All statutory references are to the Revised Statutes of Missouri 1994 unless otherwise indicated.

776 S.W.2d 494, 496 (Mo. App. 1989). Since no one has asked permission to intervene or requested a hearing, the Commission may grant the relief requested based on the verified application.

eNI filed a proposed tariff in conjunction with its application with an effective date of May 21, 1999. eNI's tariff describes the rates, rules, and regulations it intends to use, identifies eNI as a competitive company, and lists the waivers requested. eNI intends to provide interexchange telecommunications services including 1+, 800/888/877 Services, Directory Assistance, Debit Card, and Travel Card services.

In its Memorandum filed on May 11, the Staff of the Commission stated that eNI's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant eNI a certificate of service authority, 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 May 21, 1999.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and eNI should be granted a certificate of service authority. The Commission finds that the services eNI proposes to offer are competitive and eNI should be classified as a competitive company. The Commission finds that waiving the statutes and Commission rules set out in the ordered paragraph below is reasonable and not detrimental to the public interest.

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The Commission finds that eNI's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated interexchange carriers. The Commission finds that the proposed tariff filed on April 1 should be approved to become effective on May 21, 1999.

## **IT IS THEREFORE ORDERED:**

1. That erbia Network, Inc. is granted a certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri, subject to all applicable statutes and Commission rules except as specified in this order.

2. That erbia Network, Inc. is classified as a competitive telecommunications company. Application of 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	<ul> <li>stock and debt issuance</li> </ul>
392.320	<ul> <li>stock dividend payment</li> </ul>
392.340	- reorganization(s)
392.330,	RSMo Supp. 1998 - issuance of securities,
	debts and notes

#### 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

3. That the tariff filed by erbia Network, Inc. on April 1, 1999, and assigned Tariff File No. 9900768, is approved to become effective on May 21, 1999. The tariff approved is:

### P.S.C. Mo. No. 1

4. That this order shall become effective on May 21, 1999.

5. That this case may be closed on May 22, 1999.

## BY THE COMMISSION

Hole Hardy Roberts

Dale Hardy Roberts Secretary/Chief Regulatory Law Judge

(SEAL)

Shelly A. Register, Regulatory Law Judge, by delegation of authority pursuant to 4 CSR 240-2.120(1) (November 30, 1995) and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri, on this 18th day of May, 1999.

MAY 1 8 1999

COMMISSION COUNSEL: PUBLIC SERVICE COMMISSION