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**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 15th day of April, 1998.

In the Matter of the Application of USA eXchange)
LLC, d/b/a OMNIPLEX Communications Group for a)
Certificate of Service Authority to Provide Basic) Case No. TA-97-506
Local Exchange and Local Exchange Telecommunica-)
tions Services in the State of Missouri.)
)

**ORDER AMENDING CERTIFICATE OF SERVICE AUTHORITY AND APPROVING
NAME CHANGE, ADOPTION NOTICES AND TARIFF**

The Commission granted to USA eXchange LLC, d/b/a OMNIPLEX Communications Group (Omniplex) a certificate of service authority to provide basic local and local exchange telecommunications services in areas of Missouri currently served by Southwestern Bell Telephone Company (SWBT) by order issued on October 29, 1997. The order, which took effect on November 11, directed the company to file tariff sheets reflecting the rates, rules, regulations it will use and the services it will offer, and provided that Omniplex's certificate would become effective concurrent with the effective date of the company's proposed tariffs. The October 29 order temporarily waived the filing of a 45-day tariff as required by 4 CSR 240-2.060(4)(H) because at the time it had filed its application for a certificate, the Commission had not yet approved an interconnection agreement that enabled Omniplex to provide basic local exchange services.¹ The Commission ordered Omniplex to file tariff sheets for approval within 30 days.

¹ The Commission approved Omniplex's resale agreement with SWBT on September 10 in Case No. TO-97-543.

Omniplex filed the required tariff sheets (P.S.C. Mo. No. 2) for areas currently served by SWBT on November 13, with an effective date of December 28. The company subsequently extended the effective date to January 30, 1998 and filed substitute sheets. The tariff, as amended, was approved by the Commission on January 28 and therefore, Omniplex's certificate became effective for areas currently served by SWBT on January 28.

On January 14, Omniplex filed a motion to amend its application and to modify its conditional certificate of service authority to authorize Omniplex to provide service in areas currently served by GTE Midwest Incorporated (GTE).² Omniplex attached to its motion a list of the specific GTE exchanges in which Omniplex seeks to provide services (Attachment 1 to this order).

On February 2 the Commission issued a notice regarding Omniplex's motion to all certificated Missouri telecommunications companies, setting a deadline of March 2 for applications to intervene. No party requested intervention. The Staff of the Commission (Staff) filed a Memorandum on April 8, recommending approval of the proposed modification to Omniplex's certificate. Staff recommended that the Commission impose the same conditions on the company's service in GTE exchanges as the Commission imposed on the company's service in SWBT exchanges when the certificate was originally granted.

On March 4, the company filed a letter explaining that it had changed its name from "USA eXchange, L.L.C. d/b/a Omniplex Communications Group, L.L.C." to "Omniplex Communications Group, L.L.C." (OCG).

² The Commission approved Omniplex's resale agreement with GTE and with GTE Arkansas on January 27 in Case No. TO-98-193.

Accordingly, the company filed documentation from the Missouri Secretary of State concerning the name change. OCG simultaneously filed adoption notices issued by OCG to adopt the interexchange (P.S.C. Mo. No. 1) and basic local and local exchange (P.S.C. Mo. No. 2) tariffs previously approved by the Commission for Omniplex. The adoption notices were originally scheduled to become effective on April 3, but OCG extended the effective date to April 18.

Also on March 4, OCG filed tariff sheets (P.S.C. Mo. No. 3) with an effective date of April 18 to implement its proposed resale of GTE services. OCG filed substitute sheets to P.S.C. Mo. No. 3 on April 2.

The Commission's Staff reviewed the tariff sheets and filed a Memorandum on April 9 recommending that the Commission approve them as amended. Staff stated that P.S.C. Mo. No. 3 applies to resold residential and business basic local services, as well as to intraLATA long distance message telecommunications service (MTS). The company will offer vertical services, local operator services, local and toll directory assistance, direct inward dial (DID) service, Integrated Services Digital Network (ISDN) service, High Capacity Digital Service, and miscellaneous service offerings such as toll blocking service. Staff recommended that the Commission approve the tariff as amended. The Staff also recommended that the Commission approve the adoption notices for P.S.C. Mo. No. 1 and P.S.C. Mo. No. 2.

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. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App., W.D. 1989).

Since no one has requested a hearing in this case, the Commission may grant the relief requested based on the motion and the Staff's recommendation.

The Commission has reviewed the company's motion and adoption notices and tariff sheets, the Staff's recommendations, and the pleadings in this case and the related cases discussed above. The Commission finds that the company's change of name to Omniplex Communications Group, L.L.C. should be approved and that the name change should be acknowledged in the Commission's records. The Commission also finds that OCG's adoption notices (P.S.C. Mo. No. 1 and P.S.C. Mo. No. 2) should be approved. The Commission finds that the company's motion is moot to the extent that it seeks to amend its application for a certificate, because a certificate has already been granted. However, the Commission finds that the motion should be granted to the extent that the company seeks to modify its existing certificate to permit OCG to provide basic local and local exchanges telecommunications in the GTE exchanges listed in the attachment to its January 14 motion. The Commission finds that such service should be subject to the same conditions as were imposed in the Commission's October 29, 1997 order for the company's service in territories served by SWBT. Finally, the Commission finds that the tariff sheets conform to the Commission's order of October 29, 1997 and should be approved as amended to become effective on April 18, 1998. The Commission concludes that the conditions stated in the October 29, 1997, order granting a certificate of service authority to provide basic local and local exchange telecommunications service will be fulfilled, with respect to the areas currently served by GTE, at the time P.S.C. Mo. No. 3 takes effect.

THEREFORE, IT IS ORDERED:

1. That the change of name effectuated by USA eXchange LLC, d/b/a OMNIPLEX Communications Group is acknowledged and the company's certificate of service authority is amended to reflect the change of name to Omniplex Communications Group, L.L.C.

2. That the adoption notices filed by Omniplex Communications Group, L.L.C. on March 4, 1998 are approved to become effective on April 18, 1998. The tariff sheets approved are:

P.S.C. Mo. No. 1

Original Adoption Notice

P. S. C. Mo. No. 2

Original Adoption Notice Sheet

3. That the company's motion to modify its certificate of service authority to provide basic local and local exchange telecommunications services to include areas currently served by GTE Midwest Incorporated is granted.

4. That the company's motion to amend its application for a basic local and local exchange certificate of service authority is denied as moot.

5. That the tariff sheets filed by Omniplex Communications Group, L.L.C. March 4, 1998, are approved as amended to become effective on April 18, 1998. The tariff sheets approved are:

P.S.C. Mo. No. 3

Original Title Sheet

Original Sheet 1 through Original Sheet 52

6. That the certificate of service authority granted to the company on October 29, 1997 shall take effect with respect to areas currently served by GTE Midwest Incorporated on April 18, 1998.

7. That this order shall become effective on April 18, 1998.
8. That this case may be closed on April 27, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Crumpton, Drainer,
Murray and Schemenauer, CC.,
concur.

Randles, Regulatory Law Judge

GTE MIDWEST INCORPORATED MISSOURI EXCHANGES

Alton	Defiance	Ladonia	Rockville
Amazonia	Dora	LaGrange	Rosendale
Annapolis	Easton	La Plata	Safe
Arcola	Edgar Springs	Lawson	St. James
Ashland	Eldorado Springs	Leasburg	St. Peters
Augusta	Elkland	Lesterville	Santa Fe
Aurora	Ellsinore	Lewistown	Sarcoxie
Ava	Elmer	Licking	Savannah
Avenue City	Eminence	Louisburg	Schell City
Avilia	Everton	Lowry City	Seymour
Belgrade	Ewing	Macon	Shelbina
Belle	Exeter	Manes	Shelbyville
Bellevue	Fillmore	Mansfield	Sheldon
Birch Tree	Foley	Mano	Shell Knob
Bland	Fordland	Marshfield	Sparta
Blue Eye	Foristell	Marthasville	Stewartsville
Bolckow	Forsyth	Maysville	Stoutsville
Boss	Fremont	Milo	Sturgeon
Bourbon	Gainesville	Monroe City	Summersville
Bradleyville	Galena	Montauk Park	Thayer
Branson	Golden City	Monticello	Theodosia
Branson West	Gorin	Morrison	Thomasville
Braymer	Gower	Moscow Mills	Timber
Bronaugh	Greenfield	Mount Sterling	Trimble
Brunswick (Triplet)	Grovespring	Mt. Vernon	Troy
Buffalo	Hallsville	Mtn. Grove	Truxton
Bunker	Hamilton	Mtn. View	Turney
Cabool	Hartville	Nebo	Urbana
Caledonia	Hawk Point	New Melle	Van Buren
Cameron	Helena	Niangua	Vanzant
Canton	Hermann	Norwood	Vichy
Cape Fair	Hermitage	Oates	Walker
Cassville	High Hill	O'Fallon	Warrenton
Caulfield	Highlandville	Old Monroe	Washburn
Cedar Creek	Holstein	Osborn	Wasola
Centerville	Houston	Osceola	Wayland
Centralia	Humansville	Ozark	Weaubleau
Chamois	Hunnewell	Palmyra	Wéntzville
Clarence	Hurley	Paris	West Plains
Clark	Irondale	Perry	West Quincy
Clarksdale	Ironton	Pittsburg	Wheatland
Collins	Jamestown	Plattsburg	Whitesville
Columbia	Jenkins	Potosi	Willow Springs
Concordia	Jerico Springs	Prairie Home	Winfield
Conway	Jonesburg	Preston	Winona
Crosby	Kohoka	Protém	Wooldridge
Crane	Keytesville	Raymondville	Wright City
Cross Timbers	Kidder	Reeds Spring	
Cuba	Kimberling City	Revere	
Dadeville	Kingston	Roby	
Dalton	Koshkonong	Rocheport	
Dardenne/Lake St. Louis	LaBelle	Rockaway Beach	

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION