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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 28th
day of October, 1998.

In the Matter of the Application of)
FiberPath Technologies, L.L.C. for)
a Certificate of Authority to Provide)
Interexchange and Non-Switched Local)
Telecommunications Services within)
the State of Missouri.)

Case No. TA-99-103

**ORDER APPROVING INTEREXCHANGE AND NON-SWITCHED LOCAL EXCHANGE
CERTIFICATE OF SERVICE AUTHORITY AND ORDER APPROVING TARIFF**

FiberPath Technologies, L.L.C. (Fiberpath) applied to the Public Service Commission on September 10, 1998, for a certificate of service authority to provide intrastate interexchange and non-switched local exchange telecommunications services in Missouri under Sections 392.410-.450 RSMo, 1994 and RSMo Supp. 1997¹. FiberPath 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. Applicant is a Missouri corporation, with its principal office located at 2106 Jefferson St., P.O. Box 269, Jefferson City, Missouri 65102.

The Commission issued a Notice of Applications and Opportunity to Intervene on September 15, directing parties wishing to intervene to file their requests by September 30. 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

¹All further statutory references are to the Revised Statutes of Missouri 1994 unless otherwise indicated.

Deffenderfer Enterprises, Inc. v. Public Service Commission, 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.

FiberPath filed a proposed tariff in conjunction with its application with an effective date of November 1. FiberPath's tariff describes the rates, rules, and regulations it intends to use, identifies FiberPath as a competitive company, and lists the waivers requested. FiberPath intends to provide interexchange and non-switched local exchange telecommunications services, including fiber capacity and services on fiber facilities to public schools for educational purposes.

In its Memorandum filed on October 21, the Staff of the Commission stated that Applicant's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant Applicant a certificate of interexchange service authority and a certificate of service authority for local exchange telecommunication service on condition that this authority be restricted to providing dedicated, non-switched local exchange private line services. Staff recommended that the Commission grant Applicant 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 November 1.

The Commission finds that competition in the intrastate interexchange and non-switched local exchange telecommunications markets is in the public interest and Applicant should be granted certificates of service authority. The Commission finds that the services Applicant proposes to offer are competitive and Applicant 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.

The Commission finds that FiberPath's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated interexchange and local exchange carriers. The Commission finds that the proposed tariff filed on September 10, 1998, should be approved to become effective on November 1.

IT IS THEREFORE ORDERED:

1. That FiberPath Technologies, L.L.C. 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 FiberPath Technologies, L.L.C. is granted a certificate of service authority to provide local exchange telecommunications services in the state of Missouri limited to providing dedicated, non-switched local exchange private line services, subject to all applicable statutes and Commission rules except as specified in this order.

3. That FiberPath Technologies, L.L.C. 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 - stock and debt issuance
- 392.320 - stock dividend payment
- 392.340 - reorganization(s)
- 392.330, RSMo Supp. 1997 - issuance of securities, debts and notes

Commission Rules

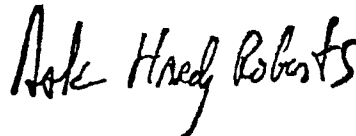
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|------------------------|-------------------------------|
| 4 CSR 240-10.020 | - depreciation fund income |
| 4 CSR 240-30.010(2)(C) | - rate schedules |
| 4 CSR 240-30.040 | - Uniform System of Accounts |
| 4 CSR 240-32.030(1)(B) | - exchange boundary 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 |

4. That the tariff filed by FiberPath Technologies, L.L.C. on September 10, 1998, is approved to become effective on November 1, 1998. The tariff approved is:

P.S.C. Mo. No. 1

5. That this order shall become effective on November 1, 1998.
6. That this case shall be closed on November 2, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

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

Woodruff, Regulatory Law Judge