BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of LD Network)			
Services, Inc. for a Certificate of Service)	Case	No.	TA-98-565
Authority to Resell Interexchange Telecommunica-)			
tions Services Within the State of Missouri.)			
	١.			

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY AND ORDER APPROVING TARIFF

LD Network Services, Inc. (LDNS) applied to the Public Service Commission on June 18, 1998, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994. LDNS 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. LDNS is a New Jersey corporation, with its principal office located at 150 Commerce Road, Cedar Grove, New Jersey 07009.

The Commission issued a Notice of Applications and Opportunity to Intervene on June 30, directing parties wishing to intervene to file their requests by July 15. 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. 1989). Since no one has asked permission

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

to intervene or requested a hearing, the Commission may grant the relief requested based on the verified application.

LDNS filed a proposed tariff in conjunction with its application and filed substitute sheets on July 28, August 4, and August 17. The tariff's effective date was originally August 3, but by letter dated July 23, LDNS requested an extension of the tariff effective date until August 17. On August 6, 1998, LDNS filed a second leter requesting an extension from August 17 until August 31. LDNS's tariff describes the rates, rules, and regulations it intends to use, identifies LDNS as a competitive company, and lists the waivers requested. LDNS intends to provide interexchange telecommunications services including 1+ services, 800/888/877 services and travel card services.

In its Memorandum filed on August 20, the Staff of the Commission stated that LDNS's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant LDNS 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 as amended to become effective on August 31.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and LDNS should be granted a certificate of service authority. The Commission finds that the services LDNS proposes to offer are competitive and LDNS 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 LDNS'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 June 18 shall be approved as amended to become effective on August 31.

IT IS THEREFORE ORDERED:

- 1. That LD Network Services, 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 LD Network Services, Inc. is classified as a competitive telecommunications company. Application of the following statutes and regulatory rules shall be waived:

Statutes

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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
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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 LD Network Services, Inc. on June 18, 1998, is approved as amended to become effective on August 31, 1998. The tariff approved is:

P.S.C. Mo. - No. 1

- 4. That this order shall become effective on August 31, 1998.
- 5. That this case shall be closed on September 8, 1998.

BY THE COMMISSION

Hole Hard Roberts

Dale Hardy Roberts Secretary/Chief Regulatory Law Judge

(SEAL)

Vicky Ruth, 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 26th day of August, 1998.

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COMMISSION COUNSEL PUBLIC SERVICE COMMISSION