

B  
CB  
P.D  
JK

8/12

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Application )  
of ICG Telecom Group, Inc. for a )  
Certificate of Service Authority to )  
Provide Competitive Intrastate )  
Interexchange and Local Exchange )  
Telecommunications Services in the )  
State of Missouri. )

Case No. TA-98-577

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

ICG Telecom Group, Inc. (ICG) applied to the Public Service Commission on June 23, 1998, for certificates of service authority to provide intrastate interexchange and non-switched local exchange telecommunications services in Missouri under § 392.410-.450, RSMo 1994 and RSMo Supp. 1997<sup>1</sup>. ICG asked the Commission to classify it as a competitive company and waive certain statutes and rules as authorized by §§ 392.361 and 392.420. Applicant is a Colorado corporation, with its principal office located at 161 Inverness Drive West, Englewood, Colorado 80112.

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

---

<sup>1</sup>All 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.

ICG filed a proposed tariff in conjunction with its application and filed substitute sheets on August 3 and August 5. The tariff's effective date is August 14. ICG's tariff describes the rates, rules and regulations it intends to use, identifies ICG as a competitive company, and lists the waivers requested. ICG intends to provide interexchange and non-switched local exchange telecommunications services including 1+ direct dial, 800/888/877 services, operator services and travel card services.

In its amended memorandum<sup>2</sup> filed on August 7, 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 services 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 as amended to become effective on August 14.

---

<sup>2</sup>Staff filed its original memorandum on August 5. The original memorandum suggested that ICG is requesting authority to provide interexchange service only. Staff's amended memorandum makes clear that ICG seeks to provide both interexchange and non-switched local exchange telecommunications services, as ICG stated in its June 23 application.

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 ICG'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 non-switched local exchange carriers. The Commission finds that the proposed tariff filed on June 23 shall be approved as amended to become effective on August 14.

**IT IS THEREFORE ORDERED:**

1. That ICG Telecom Group, Inc. is granted a certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri, subject to the conditions of certification set out above.

2. That ICG Telecom Group, Inc. 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 ICG Telecom Group, 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 - 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

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

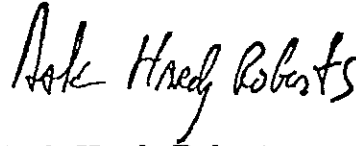
4. That the tariff filed by ICG Telecom Group, Inc. on June 23, 1998, is approved as amended to become effective on August 14, 1998. The tariff approved is:

**Tariff Mo. P.S.C. No. 1**

5. That this order shall become effective on August 14, 1998.

6. That this case shall be closed on August 24, 1998.

BY THE COMMISSION



**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

(S E A L)

Amy E. Randles, 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 12th day of August, 1998.

RECEIVED

AUG 12 1993

COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION