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

In the Matter of the Application of TCG St. Louis, )  
Inc., for a Certificate of Service Authority to )  
Provide Basic Local Telecommunications Services ) Case No. TA-97-446  
in Certain Exchanges Served by GTE Midwest )  
Incorporated. )

**ORDER DIRECTING CLARIFICATION OF APPLICATION**

TCG St. Louis (TCG) applied to the Commission on April 9, 1997, for a certificate of service authority to provide basic local telecommunications services in Missouri under Sections 392.420 - .440, RSMo 1994, and Sections 392.410 and .450, RSMo Supp. 1996. TCG 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, RSMo 1994. TCG filed an amended application on April 22.

In both the original application and the amended application, TCG indicated in paragraph 6 that it is a New York general partnership of TCG Partners and Teleport Communications Group, Inc. (TCGI). The application names TCGI as the parent corporation of TCG Partners. The application sets forth the ownership of TCGI as TCI Communications, Inc. (31.7 percent), Cox Communications, Inc. (25 percent), Comcast Corporation (16.4 percent), Continental Cablevision, Inc. (11.5 percent), and public stockholders (15.4 percent).<sup>1</sup>

However, both the original application and the amended application include as "Exhibit A" a Certificate of Corporate Good Standing-Foreign

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<sup>1</sup> Both the Application and Amended Application note that TCGI is a stock that is publicly traded on the NASDAQ exchange under the symbol "TCGI".

Corporation from the Missouri Secretary of State for TCG St. Louis, Inc. This certificate identifies TCG St. Louis, Inc., as a Delaware corporation.

Further confusing the issue is the Registration of Fictitious Name Certificate from the Missouri Secretary of State previously filed by TCG St. Louis in Case No. TM-95-422. According to the registration form, the fictitious name "TCG St. Louis" is registered to a partnership consisting of TCG Partners (60.8 percent), TCI Teleport of St. Louis, Inc. (26.8 percent), and Continental Telecommunications Corporation of St. Louis County (12.4 percent). TCGI is not mentioned as an owner of any sort.

On November 26, 1997, the Commission held a prehearing conference in several cases involving TCG St. Louis (TA-96-345, TA-97-446, and TO-98-154). During this meeting, TCG St. Louis was asked to file a pleading to clarify who exactly was applying for certification, TCG St. Louis (the New York partnership) or TCG St. Louis, Inc. (the Delaware corporation). Further clarification was also requested concerning the ownership of the entity that was applying for certification.

TCG ST. Louis subsequently responded to the Commission's request by filing a "Petition Clarifying Ownership of TCG St. Louis" (Petition). This Petition states that TCG St. Louis is a New York general partnership owned by TCG Partners and TCGI. The Petition also asserts that TCG Partners is a subsidiary of TCGI. Additionally, the Petition indicates that in June, 1996, a public offering of TCGI stock resulted in a change of ownership percentages between the filing of TCG's application in TA-96-345 and the filing of the application in this case. However, the Petition did not clarify which entity (TCG St. Louis or TCG St. Louis, Inc.) was seeking certification. Further, the Petition did not account for the variance between the ownership of TCG St. Louis as listed in the

applications and that registered with the State of Missouri in the Registration of Fictitious Name form.

The Commission finds that proper identification of a party requesting certification to provide basic local telephone service is prerequisite to certification. Further, companies desiring certification by the Commission to provide telecommunications services in Missouri must comply with statutory registration requirements and be authorized to do business in this state.

**IT IS THEREFORE ORDERED:**

1. That TCG St. Louis shall file with the Commission a pleading clearly stating what entity is applying for certification no later than December 12, 1997.
2. That TCG St. Louis shall file with the Commission all relevant documents demonstrating that the entity applying for certification is authorized to do business in Missouri no later than December 12, 1997.
3. That responses to the additional data shall be filed no later than December 19, 1997.
4. That this order shall become effective on December 5, 1997.

**BY THE COMMISSION**



(S E A L)

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

Kevin F. Hennessey, 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 5th day of December, 1997.