

4/15

LS

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Quick-Tel)
Communications, Inc., for Certificates of)
Service Authority to Provide Prepaid Basic)
Local Telecommunications Services and Exchange)
Access Services, and to Classify Such Services)
as Competitive.)

Case No. TA-99-250

ORDER GRANTING CERTIFICATE TO PROVIDE
BASIC LOCAL TELECOMMUNICATIONS SERVICES

Procedural History

Quick-Tel Communications, Inc. (Quick-Tel) applied to the Commission on December 4, 1998, for a certificate of service authority to provide basic local exchange telecommunications services in Missouri under Sections 392.361 and 392.420, RSMo 1994¹, and Sections 392.410 and .450, RSMo Supp. 1998, and 4 CSR 240-2.060(4). Quick-Tel asked the Commission to classify it as a competitive company and to waive certain statutes and rules as authorized by Sections 392.361 and 392.420. Quick-Tel is a Texas corporation with principal offices located at 456 West Rock Island, Post Office Box 196, Boyd, Texas 76023.

The Commission issued a notice and schedule of applicants on December 8, 1998, directing interested parties wishing to intervene to do so by January 7, 1999. On January 12, 1999, the Commission issued a second notice and schedule of applicants which indicated that the

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

original notice incorrectly listed the tariff effective date as January 4, 1999. Although the illustrative tariff attached to the application bears an effective date of January 4, 1999, this date is for illustrative purposes only. The original notice of applicants should have noted that there was no effective date.

The Commission granted permission to intervene to Southwestern Bell Telephone Company (SWBT) on February 5, 1999.

The parties filed a Stipulation and Agreement (Agreement) on February 16, 1999, which is included with this order as Attachment 1. The Commission granted Quick-Tel leave to file an amended Stipulation and Agreement on March 5, 1999. In the Agreement, the parties waived their rights to present testimony, cross-examine witnesses, present oral argument or briefs, and to seek rehearing or judicial review. 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 requested a hearing in this case, the Commission may grant the relief requested based on the verified application.

Discussion

Quick-Tel seeks certification to provide basic local exchange telecommunications services in portions of Missouri that are currently served by SWBT. Quick-Tel is not asking for certification in any area that is served by a small incumbent local exchange provider (ILEC). Quick-Tel proposes to operate in all of the exchanges described in Exhibit C of its application. Quick-Tel is requesting that its basic

local services be classified as competitive and that the application of certain statutes and regulations be waived.

A. Requirements of 4 CSR 240-2.060(4)

Commission rule 4 CSR 240-2.060(4) requires a foreign corporation applying for certification to provide telecommunications services to include in its application a certificate from the Missouri Secretary of State showing it is authorized to do business in Missouri, a description of the types of service it intends to provide, a description of the exchanges where it will offer service, and a proposed tariff with a 45-day effective date. Quick-Tel has provided all the required documentation except for the proposed tariff. The company requested a temporary waiver of 4 CSR 240-2.060(4)(H) until it has entered into an interconnection agreement with the underlying local exchange carrier and that agreement has been approved by the Commission. The company agreed to submit to the Commission for approval a proposed tariff with a minimum 45-day effective date once it is party to the appropriate interconnection agreement. Quick-Tel will file the tariff in this case and give notice of the tariff filing to all the parties. Along with that filing, Quick-Tel has agreed to provide a written disclosure of all interconnection agreements it has entered into which affect its Missouri service areas.

B. Basic Local Service Certification

Section 392.455, RSMo Supp. 1998, sets out the requirements for granting certificates to provide basic local telecommunications service to new entrants. A new entrant must: (1) possess sufficient

technical, financial and managerial resources and abilities to provide basic local telecommunications service; (2) demonstrate that the services it proposes to offer satisfy the minimum standards established by the Commission; (3) set forth the geographic area in which it proposes to offer service and demonstrate that such area follows exchange boundaries of the incumbent local exchange telecommunications company and is no smaller than an exchange; and (4) offer basic local telecommunications service as a separate and distinct service. In addition, the Commission must give due consideration to equitable access for all Missourians to affordable telecommunications services, regardless of where they live or their income.

Quick-Tel submitted as Exhibit E to its application a Statement of Assets and Liabilities as of September 28, 1998. Exhibit D to Quick-Tel's application lists the names and qualifications of Quick-Tel's management team and technical personnel. In addition to academic credentials, they have experience in various areas of the telecommunications industry. The parties agreed that Quick-Tel possesses sufficient technical, financial and managerial resources and abilities to provide basic local telecommunications service.

Quick-Tel has agreed to provide services that will meet the minimum basic local service standards required by the Commission, including quality of service and billing standards. The parties agreed that Quick-Tel proposes to offer basic local services that satisfy the minimum standards established by the Commission.

Quick-Tel wishes to be certificated to offer services in all the exchanges presently served by SWBT as described in Exhibit C to the application. The parties agreed that Quick-Tel has sufficiently identified the geographic area in which it proposes to offer basic local service and that the area follows ILEC exchange boundaries and is no smaller than an exchange.

Quick-Tel has agreed to offer basic local telecommunications service as a separate and distinct service and to provide equitable access, as determined by the Commission, for all Missourians within the geographic area in which it will offer basic local services in compliance with Section 392.455, RSMo Supp. 1998.

C. Competitive Classification

The Commission may classify a telecommunications provider as a competitive company if the Commission determines it is subject to sufficient competition to justify a lesser degree of regulation. § 392.361.2. In making that determination, the Commission may consider such factors as market share, financial resources and name recognition, among others. In the Matter of the Investigation for the Purpose of Determining the Classification of the Services Provided by Interexchange Telecommunications Companies Within the State of Missouri, 30 Mo. P.S.C. (N.S.) 16 (1989); In the Matter of Southwestern Bell Telephone Company's Application for Classification of Certain Services as Transitionally Competitive, 1 Mo. P.S.C. 3d 479, 484 (1992). In addition, all the services a competitive company provides must be classified as competitive. § 392.361.3. The Commission has found that whether a service is competitive is a

subject for case-by-case examination and that different criteria may be given greater weight depending upon the service being considered. *Supra*, 1 Mo. P.S.C. 3d at 487.

The parties have agreed that Quick-Tel should be classified as a competitive telecommunications company. The parties have also agreed that Quick-Tel's switched exchange access services may be classified as a competitive service, conditioned upon certain limitations on Quick-Tel's ability to charge for its access services. Quick-Tel has agreed that, unless otherwise ordered by the Commission, its originating and terminating access rates will be no greater than the lowest Commission-approved corresponding access rates in effect at the date of certification for the large ILEC within those service areas in which Quick-Tel seeks to operate. The parties have agreed that the grant of service authority and competitive classification to Quick-Tel should be expressly conditioned on the continued applicability of Section 392.200, RSMo Supp. 1998, and on the requirement that any increases in switched access services rates above the maximum switched access service rates set forth in the agreement must be cost-justified pursuant to Sections 392.220, RSMo Supp. 1998, and 392.230, rather than Sections 392.500 and 392.510.

The parties agreed that waiver of the following statutes is appropriate: Sections 392.210.2, 392.270, 392.280, 392.290.1, 392.300.2, 392.310, 392.320, 392.330, RSMo Supp. 1998, and 392.340. The parties also agreed that application of these Commission rules could be waived: 4 CSR 240-10.020 and 4 CSR 240-35.

Findings of Fact

The Missouri Public Service Commission, having considered all of the competent and substantial evidence upon the whole record, makes the following findings of fact:

- A. The Commission finds that competition in the basic local exchange telecommunications market is in the public interest.
- B. The Commission finds that Quick-Tel has met the requirements of 4 CSR 240-2.060(4) for applicants for certificates of service authority to provide telecommunications services with the exception of the filing of a tariff with a 45-day effective date.
- C. The Commission finds that Quick-Tel has demonstrated good cause to support a temporary waiver of the tariff filing requirement and the waiver shall be granted.
- D. The Commission finds that Quick-Tel meets the statutory requirements for provision of basic local telecommunications services and has agreed to abide by those requirements in the future. The Commission determines that granting Quick-Tel a certificate of service authority to provide basic local exchange telecommunications services is in the public interest. Quick-Tel's certificate should become effective when its tariff becomes effective.

E. The Commission finds that Quick-Tel is a competitive company and should be granted waiver of the statutes and rules set out in the ordered paragraph below.

F. The Commission finds that Quick-Tel's certification and competitive status should be expressly conditioned upon the continued applicability of Section 392.200, RSMo Supp. 1998, and on the requirement that any increases in switched access services rates above the maximum switched access service rates set forth in the agreement must be cost-justified pursuant to Sections 392.220, RSMo Supp. 1998, and 392.230, rather than Sections 392.500 and 392.510.

Conclusions of Law

The Missouri Public Service Commission has reached the following conclusions of law:

The Commission has the authority to grant certificates of service authority to provide telecommunications service within the state of Missouri. Quick-Tel has requested certification under Sections 392.420 - .440, and Sections 392.410 and .450, RSMo Supp. 1998, which permit the Commission to grant a certificate of service authority where it is in the public interest. Sections 392.361 and .420 authorize the Commission to modify or suspend the application of its rules and certain statutory provisions for companies classified as competitive or transitionally competitive.

The federal Telecommunications Act of 1996 and Section 392.455, RSMo Supp. 1998, were designed to institute competi-

tion in the basic local exchange telecommunications market in order to benefit all telecommunications consumers. See Section 392.185, RSMo Supp. 1998.

The Commission has the legal authority to accept a Stipulation and Agreement as offered by the parties as a resolution of the issues raised in this case, pursuant to Section 536.060, RSMo Supp. 1998. Based upon the Commission's review of the applicable law and Stipulation and Agreement of the parties, and upon its findings of fact, the Commission concludes that the Stipulation and Agreement should be approved.

IT IS THEREFORE ORDERED:

1. That the Stipulation and Agreement of the parties, filed on February 16, 1999, and amended on February 24, 1999, is approved.

2. That Quick-Tel Communications, Inc., is granted a certificate of service authority to provide basic local exchange telecommunications services in the state of Missouri, subject to the conditions of certification set out above and to all applicable statutes and Commission rules except as specified in this order. The certificate of service authority shall become effective when the company's tariff becomes effective.

3. Quick-Tel Communications, Inc., is classified as a competitive telecommunications company. Application of the following statutes and regulatory rules shall be waived:

Statutes

- 392.210.2 - uniform system of accounts
- 392.270 - valuation of property (ratemaking)
- 392.280 - depreciation accounts

392.290.1 - issuance of securities
392.300.2 - acquisition of stock
392.310 - stock and debt issuance
392.320 - stock dividend payment
392.340 - reorganization(s)
392.330, RSMo Supp. 1998 - issuance of securities,
debts and notes

Commission Rules

4 CSR 240-10.020 - depreciation fund income
4 CSR 240-35 - reporting of bypass and
customer-specific arrangements

4. That the request for waiver of 4 CSR 240-2.060(4)(H), which requires the filing of a 45-day tariff, is granted.

5. That Quick-Tel Communications, Inc., shall file tariff sheets with a minimum 45-day effective date reflecting the rates, rules, regulations and the services it will offer within 30 days after the effective date of a Commission order approving an interconnection agreement that will allow Quick-Tel to provide services. The tariff shall be filed in Case No. TA-99-250 and shall include a listing of the statutes and Commission rules waived above.

6. That Quick-Tel Communications, Inc., shall give notice of the filing of the tariffs described above to all parties or participants. In addition, Quick-Tel Communications, Inc., shall file a written disclosure of all interconnection agreements which affect its Missouri service areas, all portions of Missouri service areas for which it does not have an interconnection agreement, and an explanation of why no interconnection agreement is necessary for those areas.

7. That Quick-Tel Communications, Inc.'s certification and competitive status are expressly conditioned upon the continued

applicability of Section 392.200, RSMo Supp. 1998, and on the requirement that any increases in switched access service rates above the maximum switched access service rates set forth in the agreement must be cost-justified pursuant to Sections 392.220, RSMo Supp. 1998, and 392.230, rather than Sections 392.500 and 392.510.

8. That this order shall become effective on April 27, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

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 15th day of April, 1999.

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of the Application of)
Quick-Tel Communications, Inc. for)
Certificates of Service Authority)
to Provide Prepaid Basic Local)
Telecommunications Services, and Exchange)
Access Services to Classify Such Services)
as Competitive.)

Case No. TA-99-250

FILED
FEB 24 1999
Missouri Public
Service Commission

STIPULATION AND AGREEMENT

1. Quick-Tel Communications, Inc. ("Quick-Tel" or "Applicant") initiated this proceeding on December 4, 1998, by filing an Application requesting certificates of service authority to provide prepaid basic local telecommunications services and exchange access services in exchanges currently served by Southwestern Bell Telephone Company ("SWBT"), GTE Midwest Incorporated ("GTE"), and Sprint Missouri, Inc., d/b/a Sprint ("Sprint.").

2. On December 8, 1998, the Commission issued a Notice of Application and Opportunity to Intervene. Southwestern Bell Telephone Company intervened in this proceeding by application filed on January 7, 1999. No other local exchange company has sought intervention.

3. For purposes of this Stipulation and Agreement, the parties agree that applications for basic local exchange authority in exchanges served by "large" local exchange companies (LECs)¹ should be processed in a manner similar to that in which applications for interexchange and local exchange authority are currently handled.

¹Large LECs are defined as LECs who serve 100,000 or more access lines. Section 386.020 R.S.Mo. Supp. 1996. In Missouri, the current large LECs are SWBT, GTE and Sprint

4. In determining whether Quick-Tel's application for certificates of service authority should be granted, the Commission should consider Quick-Tel's technical, financial and managerial resources and abilities to provide telecommunications service. Quick-Tel agrees that the basic local services it proposes to offer will satisfy the minimum standards established by the Commission, including but not limited to the filing and maintenance of basic local service tariffs with the Commission in the same manner and form as the Commission requires of incumbent local exchange telecommunications companies with which Quick-Tel seeks to compete. Further, Quick-Tel agrees to meet the minimum basic local service standards, including quality of service and billing standards, as the Commission requires of the incumbent local exchange telecommunications companies with which Quick-Tel seeks to compete. Notwithstanding the provisions of Section 392.500 R.S.Mo. (1994), as a condition of certification and competitive classification, Quick-Tel agrees that, unless otherwise ordered by the Commission, Quick-Tel's originating and terminating access rates will be no greater than the lowest Commission approved corresponding access rates in effect at the date of certification for the large incumbent LECs within those service areas in which Quick-Tel seeks authority to provide service.² Further, Quick-Tel agrees to offer basic local telecommunications service as a separate and distinct service and has identified the geographic service area in which it proposes to offer basic local service. Such area follows exchange boundaries of the incumbent local exchange telecommunications companies and is no smaller than an exchange. Finally, Quick-Tel agrees to provide equitable access to affordable telecommunications services, as determined by the Commission, for all Missourians within the geographic area in which it proposes to offer basic local

²In this case, SWBT=s current access rates.

service, regardless of residence or income. See Section 392.455 R.S.Mo. (1996 Supp.).

5. Quick-Tel has submitted its application with tariffs but seeks a temporary waiver of 4 CSR 240-2.060(4)(H) because it does not yet have an approved interconnection agreement under 47 USC 252, which constitutes good cause for such a waiver. Quick-Tel agrees to refile its initial tariffs in this certification docket and serve all parties hereto with written notice at the time the initial tariff(s) are submitted to afford them an opportunity to participate in the tariff approval process. Copies of any tariff(s) will be provided by Quick-Tel to interested parties immediately upon request. Any service authority shall be regarded as conditional and shall not be exercised until such time as tariff(s) for services have become effective. When refiling its initial basic local tariff, Quick-Tel shall also file and serve a written disclosure of all interconnection agreements which affect its Missouri service areas, all portions of its Missouri service areas for which it does not have an interconnection agreement with the incumbent local exchange carrier, if any, and its explanation of why such an interconnection agreement is unnecessary for any such areas.

6. Quick-Tel has, pursuant to Section 392.420 R.S.Mo., requested that the Commission waive the application of the following statutory provisions and rules regarding its basic local exchange services, and all parties agree that the Commission should grant such request provided that Section 392.200 R.S.Mo. should continue to apply to all of Quick-Tel's services:

Statutes

Rules

Section 392.210.2
Section 392.270
Section 392.280
Section 392.290.1
Section 392.300.2
Section 392.310.
Section 392.320
Section 392.330
Section 392.340

4 CSR 240-10.020
4 CSR 240-30.040
4 CSR 240-35

Quick-Tel also requests that the following statutes and regulations be waived regarding its non-switched local exchange telecommunications services consistent with the Commission's treatment of other companies:

Statutes

Rules

Section 392.210.2
Section 392.300.2

4 CSR 240-35

7. In negotiating the remaining provisions of this Stipulation and Agreement, the parties have employed the foregoing standards and criteria, which are intended to meet the requirements of existing law and Sections 392.450 and 392.455 R.S.Mo., regarding applications for certificates of local exchange authority to provide basic local telecommunications services.

8. Quick-Tel has submitted a listing of the specific exchanges in which it seeks authority to provide service, which is attached hereto as Exhibit 1. The exchanges identified are currently served by SWBT, GTE and Sprint. Quick-Tel hereby agrees that its original Application should be deemed amended as required to include by reference the terms and provisions described in paragraphs 4-6 hereinabove to the extent that its original Application might be inconsistent therewith.

9. Based upon its verified Application, as amended by this Stipulation and Agreement, Quick-Tel asserts, and no other party makes a contrary assertion, that there is sufficient evidence from which the Commission should find and conclude that Quick-Tel:

A. Possesses sufficient technical, financial and managerial resources and abilities to provide basic local telecommunications service and local exchange telecommunications service, including exchange access service;

B. Proposes and agrees to offer basic local services that will satisfy the minimum standards established by the Commission;

C. Has sufficiently identified the geographic area in which it proposes to offer basic local service and such area follows exchange boundaries of the incumbent local exchange telecommunications companies in the same areas, and such area is no smaller than an exchange;

D. Will offer basic local telecommunications services as a separate and distinct service;

E. Has agreed to provide equitable access as determined by the Commission for all Missourians within the geographic area in which it proposes to offer basic local service,

regardless of where they live or their income, to affordable telecommunications services; and

F. Has sought authority which will serve the public interest.

10. Quick-Tel asserts, and no party opposes, that Quick-Tel's application and request for authority to provide basic local telecommunications service exchange access service should be granted. All services authorized herein should be classified as competitive telecommunications services, provided that the requirements of Section 392.200 continue to apply, and Quick-Tel should be classified as a competitive telecommunications company. Quick-Tel asserts, and no party opposes, that its services will be subject to sufficient competition by the services of the incumbent LECs to justify a lesser degree of regulation of Quick-Tel's services consistent with the protection of ratepayers and the promotion of the public interest. Such classification should become effective upon the tariffs for the services becoming effective. Such authority should be conditional, not to be exercised until such time as tariffs for those services have been filed (together with the written disclosure as stipulated above) and have become effective. The Commission's Order should state the foregoing conditions substantially as follows:

"The service authority and service classification herein granted are subject to the requirements of Section 392.200 and are conditional and shall not be exercised until such time as tariffs for services have become effective."

The parties agree that the applicant's exchange access services may be classified as competitive services. The parties further agree that the applicant's exchange access services are subject to Section 392.200. Any increases in exchange access service rates above the maximum rates as set forth in paragraph 4 herein shall be cost-justified and be made pursuant to 392.220 and

392.230 and not 392.500 and 392.510. The Commission's order should state the foregoing conditions substantially as follows:

"The service authority and service classification for exchange access granted herein is expressly conditioned on the continued applicability of Section 392.200 and the requirement that any increases in exchange access service rates above the maximum exchange access service rates set forth herein shall be cost-justified and be made pursuant to Sections 392.220 and 392.230 and not Sections 392.500 and 392.510."

11. Quick-Tel's request for a temporary waiver of 4 CSR 240-2.060(4)(H), which requires applications to include a proposed tariff with a 45-day effective date, is not opposed and should be granted because Quick-Tel does not yet have approved interconnection agreements with the large incumbent LECs. Quick-Tel agrees that as such time as all facts necessary for the development of tariffs become known, it will resubmit tariffs in this docket, with a minimum 45-day proposed effective date, to the Commission for its approval, together with the written disclosure as stipulated above. Quick-Tel shall serve notice to all parties and participants in this docket of the filing of its tariffs at the time they are filed with the Commission, and serve them with the aforesaid written disclosure, and shall upon request immediately provide any party with a copy of those tariffs. The Commission's order should state the temporary waiver of 4 CSR 240-2.060(4)(H), substantially as follows:

"Applicant's request for temporary waiver of 4 CSR 240-2.060(4)(H) is hereby granted for good cause in that Applicant does not yet have an

approved interconnection agreement with all the incumbent local exchange carriers within whose service areas it seeks authority to provide service; provided, when Applicant submits its tariffs in this docket to the Commission such tariffs shall have a minimum of a 45-day effective date and the Applicant shall serve written notice upon the parties hereto of such submittal, and shall provide copies of such tariffs to such parties immediately upon request. When filing its initial basic local tariff in this docket, the Applicant shall also file and serve upon the parties hereto a written disclosure of all interconnection agreements which affect its Missouri service areas, all portions of its Missouri service areas for which it does not have an interconnection agreement with the incumbent local exchange carrier, and an explanation of why such an interconnection agreement is unnecessary for any such areas."

12. Quick-Tel's request for waiver of the application of the following rules and statutory provisions as they relate to the regulation of Quick-Tel's basic local exchange telecommunications services should be granted:

Statutes

Section 392.210.2
Section 392.270
Section 392.280
Section 392.290.1
Section 392.300.2

Rules

4 CSR 240-10.020
4 CSR 240-30.040
4 CSR 240-35

Section 392.310
Section 392.320
Section 392.330
Section 392.340

Quick-Tel's request for waiver of the following statutes and regulations regarding non-switched local exchange telecommunications services should also be granted:

Statutes

Section 392.210.2
Section 392.300.2

Rules

4 CSR 240-35

13. This Stipulation and Agreement has resulted from negotiations among the signatories and the terms hereof are interdependent. In the event the Commission does not adopt this Stipulation in total, then this Stipulation and Agreement shall be void and no signatory shall be bound by any of the agreements or provisions hereof. The Stipulations herein are specific to the resolution of this proceeding and are made without prejudice to the rights of the signatories to take other positions in other proceedings.

14. In the event the Commission accepts the specific terms of this Stipulation and Agreement, the parties and participants waive, with respect to the issues resolved herein (a) their respective rights, pursuant to Section 536.080.1, R.S.Mo. (1994), to present testimony, to cross-examine witnesses, and to present oral argument or written briefs; (b) their respective rights to the reading of the transcript by the Commission pursuant to Section 536.080.2 R.S.Mo. (1994); and (c) their respective rights to seek rehearing pursuant to Section 386.500 R.S.Mo. (1994) and to seek judicial review pursuant to Section 386.510 R.S.Mo. (1994). The parties agree to cooperate with the

Quick-Tel and with each other in presenting this Stipulation and Agreement for approval to the Commission and shall take no action, direct or indirect, in opposition to the request for approval of Quick-Tel's application made herein.

15. The Staff may submit a Staff Recommendation concerning matters not addressed in this Stipulation and Agreement. In addition, if requested by the Commission, the Staff shall have the right to submit to the Commission a memorandum explaining its rationale for entering into this Stipulation and Agreement. Each party of record and participant herein shall be served with a copy of any memorandum and shall be entitled to submit to the Commission, within five (5) days of receipt of Staff's memorandum, a responsive memorandum which shall also be served on all parties and participants. All memoranda submitted by the parties shall be considered privileged in the same manner as settlement discussions under the Commission's rules, shall be maintained on a confidential basis by all parties and participants, and shall not become a part of the record of this proceeding or bind or prejudice the party submitting such memorandum in any future proceeding whether or not the Commission approves this Stipulation and Agreement. The contents of any memorandum provided by any party are its own and are not acquiesced in or otherwise adopted by the other signatories to the Stipulation and Agreement, whether or not the Commission approves and adopts this Stipulation and Agreement.

The Staff shall also have the right to provide, at any agenda meeting at which this Stipulation and Agreement is noticed to be considered by the Commission, whatever oral explanation the Commission requests, provided that the Staff shall, to the extent reasonably practicable, provide the other parties and participants with advance notice of when the Staff shall respond to the Commission's request for such explanation once such explanation is requested from the Staff. The

Staff's oral explanation shall be subject to public disclosure.

16. The Office of the Public Counsel, while not a signatory to this Stipulation and Agreement, has been contacted with regard to its filing and has offered no objection.

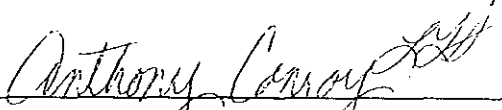
WHEREFORE, the signatories respectfully request the Commission to issue its Order approving the terms of this Stipulation and Agreement and issue its Order granting authority and classification and waiving certain statutes and rules as requested by Quick-Tel Communications, Inc., subject to the conditions described above, as expeditiously as possible.

CURTIS, OETTING, HEINZ,
GARRETT & SOULE, P.C.



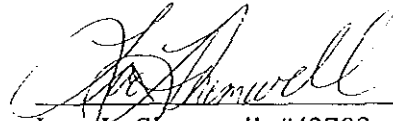
Paul E. Martin, #34428
Leland B. Curtis, #20550
Carl J. Lumley, #32869
130 S. Bemiston, Suite 200
Clayton, Missouri 63105
(314) 725-8788
(314) 725-8789 (FAX)

FOR: Quick-Tel Communications, Inc.



Anthony Conroy #35199
Southwestern Bell Telephone
One Bell Center, Room 3516
St. Louis, MO 63101-1976
(314) 235-6060
(314) 247-0014 (FAX)

FOR: Southwestern Bell Telephone
Company



Lera L. Shemwell, #43792
Assistant General Counsel
Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102
(573) 751-7510
(573) 751-9285 (FAX)

FOR: Staff of the Missouri Public
Service Commission

RECEIVED

APR 15 1999

COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION