

B
W
D
S

3/10

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

In the Matter of the Application)
of Americatel Corporation for a)
Certificate of Service Authority to) **CASE NO. TA-98-315**
Resell Interexchange Tele-)
communications Services.)

**ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY AND
ORDER APPROVING TARIFF**

Americatel Corporation (Americatel) applied to the Public Service Commission on January 27, 1998, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under § 392.440, RSMo 1994¹. Americatel 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 Delaware corporation, with its principal office located at 4045 N.W. 97th Avenue, Miami, Florida 33178.

The Commission issued a Notice of Applications and Opportunity to Intervene on February 3, directing parties wishing to intervene to file their requests by February 18. 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 to intervene

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

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

Americatel filed a proposed tariff in conjunction with its application and filed substitute sheets on March 2. The tariff's effective date is March 13. Americatel's tariff describes the rates, rules, and regulations it intends to use, identifies Americatel as a competitive company, and lists the waivers requested. Americatel intends to provide interexchange telecommunications services including 1+ direct dial and directory assistance services.

In its Memorandum filed on March 4, 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 service authority, 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 March 13.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Applicant should be granted a certificate 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 Americatel'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 January 27 shall be approved as amended to become effective on March 13.

IT IS THEREFORE ORDERED:

1. That Americatel Corporation 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 Americatel Corporation 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

3. That the tariff filed by Americatel Corporation on January 27, 1998, is approved as amended to become effective on March 13, 1998. The tariff approved is:

P.S.C. Mo. No. 1

4. That this order shall become effective on March 13, 1998.

5. That this case shall be closed on March 23, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Elaine E. Bensavage, 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 10th day of March, 1998.

RECEIVED
MAR 10 1998
COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION