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BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of)
RSL COM PrimeCall, Inc. for a Certificate of) Case No. TA-99-60
Service Authority to Provide Interexchange)
Telecommunications Services.)

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY
AND ORDER APPROVING TARIFF

RSL COM PrimeCall, Inc. (RSL) applied to the Public Service Commission on August 13, 1998, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994¹. RSL 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. RSL is a Delaware corporation, with its principal office located at 430 Park Avenue, 5th Floor, New York, New York 10022.

The Commission issued a Notice of Applications and Opportunity to Intervene on August 18, directing parties wishing to intervene to file their requests by September 17. 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 or requested a hearing, the Commission may grant the relief requested based on the verified application.

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

RSL filed a proposed tariff in conjunction with its application and filed substitute sheets on September 10. The tariff's effective date is September 27. RSL's tariff describes the rates, rules, and regulations it intends to use, identifies RSL as a competitive company, and lists the waivers requested. RSL intends to provide interexchange telecommunications services including debit card services. RSL intends to sell its phone cards at an unspecified discount from the tariffed rates, subject to negotiation as a retail commodity, for or during special circumstances.

In its Memorandum filed on September 14, the Staff of the Commission stated that RSL's proposed services are similar to existing IXC offerings. Staff noted that it had no objection to this type of program, retail discounting of prepaid phone cards, for competitively classified companies' sale of prepaid cards. Staff recommended that the Commission grant RSL 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 September 27.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and RSL should be granted a certificate of service authority. The Commission finds that the services RSL proposes to offer are competitive and RSL 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 RSL'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 August 13 shall be approved as amended to become effective on September 27.

IT IS THEREFORE ORDERED:

1. That RSL COM PrimeCall, 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 RSL COM PrimeCall, 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

3. That the tariff filed by RSL COM PrimeCall, Inc. on August 13, 1998, is approved as amended to become effective on September 27, 1998. The tariff approved is:

P.S.C. MO. No. 1

4. That this order shall become effective on September 27, 1998.
5. That this case shall be closed on October 6, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Vicky Ruth, Regulatory Law Judge,
by delegation of authority under
Commission Directive of July 28,
1989, pursuant to Section 386.240,
RSMo 1986.

Dated at Jefferson City, Missouri,
on this 25th day of September, 1998.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION