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BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of Econophone)
Services, Inc. for a Certificate of Service) Case No. TA-99-62
Authority to Provide Interexchange Telecommunica-)
tions Services.)

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY
AND ORDER APPROVING TARIFF

Econophone Services, Inc. (Econophone) applied to the Public Service Commission on August 14, 1998, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994¹. Econophone 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. Econophone is a Delaware corporation, with its principal office located at 95 Route 17 South, Suite 102, Paramus, New Jersey 07652.

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 2. 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.

Econophone filed a proposed tariff in conjunction with its application with an effective date of September 30; the tariff effective date was later extended to October 7. Econophone's tariff describes the rates, rules, and regulations it intends to use, identifies Econophone as a competitive company, and lists the waivers requested. Econophone intends to provide interexchange telecommunications services including 1+, 800/888/877 Services, Directory Assistance, Debit Card, and Travel Card services.

In its first Memorandum filed on September 8, the Staff of the Commission (Staff) referred to a proposed tariff effective date of September 18, 1998, instead of September 30, 1998. Although the only proposed tariff in the official case file contains a tariff effective date of September 30, 1998, Staff also received a proposed tariff with an effective date of September 18, 1998. Staff apparently did not realize that it possessed two proposed tariffs, one with an effective date of September 18 and one with an effective date of September 30, and reviewed the September 18 (non-filed) tariff. The Staff memorandum indicated that Econophone's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant Econophone a certificate of service authority, competitive status, and waiver of the statutes and rules listed in the Notice.

Due to the conflicting effective dates, Econophone filed a letter on September 11, noting that although the correct effective date was September 30 and not September 18, the company was extending the tariff effective date to October 7. On September 22, 1998, Staff filed an Amended Staff Recommendation noting that the tariff effective date had

been extended to October 7, 1998. The Amended Staff Recommendation also indicated that the recommendation had not changed otherwise.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Econophone should be granted a certificate of service authority. The Commission finds that the services Econophone proposes to offer are competitive and Econophone 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 Econophone'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 14 should be approved to become effective on October 7.

IT IS THEREFORE ORDERED:

1. That Econophone Services, 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 Econophone Services, 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 Econophone Services, Inc. on August 14, 1998, which bore a proposed effective date of September 30, 1998, is approved to become effective on October 7, 1998. The tariff approved is:

P.S.C. MO. TARIFF NO. 1

4. That this order shall become effective on October 7, 1998.
5. That this case may be closed on October 19, 1998.

BY THE COMMISSION

Dale Hardy Roberts

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 6th day of October, 1998.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION