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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service Commission held at its office in Jefferson City on the 3rd day of September, 1998.

In the Matter of the Application of BroadSpan)
Communications, Inc. for Certificates of Service)
Authority to Provide Basic Local Telecommunica-)
tions Services, Local Exchange Telecommunications) **Case No. TA-98-181**
Services, Exchange Access Services, and Inter-) **(Tariff File**
exchange Telecommunications Services in the State) **No. 9900047)**
of Missouri and for Competitive Classification.)

ORDER DIRECTING FILING OF SUPPLEMENTAL STAFF MEMORANDUM

On August 26, 1998, the Commission suspended the effective date of the tariff sheets (Tariff File No. 9900047) submitted by BroadSpan Communications, Inc. (BroadSpan) to October 13¹. The Commission suspended the tariff because the set of services to be provided was not adequately identified in the tariff and because BroadSpan had failed to specify rates for intrastate InterLATA access services. In the Memorandum that was filed on August 21 by the Staff of the Commission (Staff), the Staff did not describe the set of services to be offered by BroadSpan under the proposed tariff, did not explain whether the tariff covers basic local, local exchange, interexchange or a combination of such services, and did not address access services specifically.

Following issuance of the Commission's suspension order, BroadSpan filed an application for rehearing or reconsideration, urging the Commission to approve the proposed tariff sheets on or before September 1. BroadSpan stated that if the tariff were not approved by

¹Before the suspension, BroadSpan's tariffs were scheduled to take effect on September 1.

September 1, BroadSpan's business plans would be jeopardized and the failure to approve would stand as a barrier to entry.

BroadSpan asserted in its application that the tariff adequately identifies the types of services and the geographic area covered by the tariff. BroadSpan also asserted that SWBT has tariffed rates for InterLATA access even though it does not provide interLATA toll services. Nevertheless, BroadSpan submitted substitute tariff sheets with its August 27 application.

The Commission has reviewed the tariff, as amended on August 27, and determined that BroadSpan has not sufficiently addressed the Commission's concerns. In addition, the Commission's second review has revealed additional concerns. The Commission finds that the following issues should be addressed before the tariff can be approved:

(A) Where in Southwestern Bell Telephone Company's (SWBT's) tariffs is SWBT authorized to provide interLATA interexchange switched access services? Where in the tariffs are SWBT's rates for such services set forth?

(B) How does BroadSpan define interLATA interexchange switched access services?

(C) How does BroadSpan define exchange access as referred to on Preface-Original Page 8?

(D) In the tariff, Section 2 Original Page 25, BroadSpan includes under taxes Universal Service Fund (USF) charges. Where in the proposed tariff does BroadSpan identify the set of charges (interstate versus intrastate) to which federal USF charges are applied? Where in the proposed tariff does BroadSpan separately identify the set of charges to which

state USF charges will be applied in the future? Currently, is BroadSpan applying a federal USF and if so what is the rate?

(E) How are the following services defined, and what are the differences between them: Flat Rate Service (Section 5-Original Page 1); Usage Flat Rate (Section 5-Original Page 6); Main Service (Section 5-Original Page 45-46, 53-54); and the Optional Expanded Calling Rates (Section 5-Original Page 103-104)?

(F) Are the rates for Message Toll Service (MTS) in Section 5-Original Page 96-98 for intraLATA or interLATA interexchange service, or both?

The Commission understands BroadSpan's desire to offer services as soon as possible, and will therefore direct its Staff to file a supplemental memorandum addressing these issues in the near future. The Commission anticipates that Staff may alleviate the Commission's concerns on some of the issues by pointing out why the issue does not present a problem. However, some of the issues may require Staff to contact BroadSpan's representatives about possible revisions to the tariff language. BroadSpan and the Office of the Public Counsel may also file suggestions regarding the tariff, but the Commission will not require them to do so.

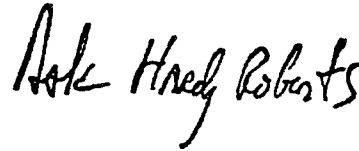
IT IS THEREFORE ORDERED:

1. That the Staff of the Commission shall file a supplemental memorandum addressing the issues identified in this order no later than September 11, 1998.

2. That BroadSpan Communications, Inc. and the Office of the Public Counsel may file suggestions concerning the tariff no later than September 11, 1998.

3. That this order shall become effective on September 11, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Crumpton, Murray and Schemenauer, CC., concur.
Drainer, C., absent.

Randles, Regulatory Law Judge

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION