

B-1  
13  
170  
1800

2/1/2

**BEFORE THE PUBLIC SERVICE COMMISSION**

**OF THE STATE OF MISSOURI**

In the Matter of the Application of Net2000 Group, )  
Inc. for a Certificate of Service Authority to ) Case No. TA-98-470  
Provide Intrastate Interexchange Services in the )  
State of Missouri. )

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

Net2000 Group, Inc. (Net2000) applied to the Public Service Commission on April 16, 1998, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994<sup>1</sup>. Net2000 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. Net2000 is a Delaware corporation, with its principal office located at 8614 Westwood Center Drive, Suite 700, Vienna, Virginia 22182.

The Commission issued a Notice of Applications and Opportunity to Intervene on April 21, directing parties wishing to intervene to file their requests by May 6. 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.

---

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

Net2000 filed a proposed tariff in conjunction with its application and filed substitute sheets on July 14, July 28, and August 4. The tariff's effective date is August 17. Net2000's tariff describes the rates, rules, and regulations it intends to use, identifies Net2000 as a competitive company, and lists the waivers requested. Net2000 intends to provide interexchange telecommunications services including 1+ direct dial, 800/888/877, and travel card services.

In its Memorandum filed on August 6 the Staff of the Commission stated that Net2000's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant Net2000 Group 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 August 17.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Net2000 should be granted a certificate of service authority. The Commission finds that the services Net2000 proposes to offer are competitive and Net2000 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 Net2000'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 April 16 shall be approved as amended to become effective on August 17.

**IT IS THEREFORE ORDERED:**

1. That Net2000 Group, 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 Net2000 Group, 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 Net2000 Group, Inc. on April 16, 1998, is approved as amended to become effective on August 17, 1998. The tariff approved is:

**Missouri P.S.C. Tariff No. 1**

4. That this order shall become effective on August 17, 1998.

5. That this case shall be closed on August 24, 1998.

BY THE COMMISSION

*Dale Hardy Roberts*

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

(S E A L)

Nancy Dippell, 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 12th day of August, 1998.

RECEIVED  
AUG 12 1998  
COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION