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BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of)
MVX Communications, LLC for a Certificate of) Case No. TA-98-480
Service Authority to Provide Interexchange)
Telecommunications Services.)
)

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY
AND ORDER APPROVING TARIFF

MVX Communications, LLC (MVX) applied to the Public Service Commission on April 24, 1998, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994.¹ MVX 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. MVX is a Nevada corporation, with its principal office located at 1730 South El Camino Real, Suite 500, San Mateo, California 94402.

The Commission issued a Notice of Applications and Opportunity to Intervene on May 5, directing parties wishing to intervene to file their requests by May 20. 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

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

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

MVX filed a proposed tariff in conjunction with its application and filed substitute sheets on May 29 and June 4. The tariff's effective date is June 16. MVX's tariff describes the rates, rules, and regulations it intends to use, identifies MVX as a competitive company, and lists the waivers requested. MVX intends to provide interexchange telecommunications services including 1+ services, 800/888/877 services, debit card services, travel card services, and prepaid calling card services.

In its Memorandum filed on June 5 the Staff of the Commission stated that MVX's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant MVX 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 June 16.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and MVX should be granted a certificate of service authority. The Commission finds that the services MVX proposes to offer are competitive and MVX 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 MVX'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 24 shall be approved as amended to become effective on June 16.

IT IS THEREFORE ORDERED:

1. That MVX Communications, LLC 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 MVX Communications, LLC 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 MVX Communications, LLC on April 24, 1998, is approved as amended to become effective on June 16, 1998. The tariff approved is:

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

4. That this order shall become effective on June 16, 1998.
5. That this case shall be closed on June 22, 1998.

BY THE COMMISSION

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Shelly A. Register, 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 June, 1998.