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Nettronix, Inc. (Nettronix) applied to the Public Service Commission on May 1, 1998, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994<sup>1</sup>. Nettronix 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. Applicant is a Utah corporation, with its principal office located at 6337 Highland Drive, Suite 1115, Salt Lake City, Utah 84121.

The Commission issued a Notice of Applications and Opportunity to Intervene on May 12, directing parties wishing to intervene to file their requests by May 27. 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

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

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

Nettronix filed a proposed tariff in conjunction with its application and filed substitute sheets on July 1 and July 9. The tariff's effective date is July 29. Nettronix's tariff describes the rates, rules, and regulations it intends to use, identifies Nettronix as a competitive company, and lists the waivers requested. Nettronix intends to provide interexchange telecommunications services including 1+ direct dial, 800/888/877, directory assistance, and travel card services.

In its Memorandum filed on July 14 the Staff of the Commission stated that Nettronix's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant Nettronix 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 July 29.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Nettronix should be granted a certificate of service authority. The Commission finds that the services Nettronix proposes to offer are competitive and Nettronix 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 Nettronix'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 May 1 shall be approved as amended to become effective on July 29.

**IT IS THEREFORE ORDERED:**

1. That Nettronix, 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 Nettronix, 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 Nettronix, Inc. on May 1, 1998, is approved as amended to become effective on July 29, 1998. The tariff approved is:

**P.S.C. MO. No. 1**

4. That this order shall become effective on July 29, 1998.  
5. That this case shall be closed on July 30, 1998.

**BY THE COMMISSION**



**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

(S E A L)

Brian K. Harper, 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 16th day of July, 1998.

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