

1998

**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF MISSOURI**

In the Matter of the Application of )  
Dakota Services Limited for a Certificate )  
Of Public Convenience and Necessity in the )  
State of Missouri for the Purpose of )  
Providing Facilities Based Data High Speed ) **Case No. TA-99-150**  
Communications Technologies for Non-Basic, ) **Tariff No. 9900298**  
Non-Switched, Local Exchange Services and )  
Interexchange Services. (Intralata and )  
Interlata Toll) )

**ORDER APPROVING INTEREXCHANGE AND NON-SWITCHED LOCAL EXCHANGE**  
**CERTIFICATES OF SERVICE AUTHORITY AND ORDER APPROVING TARIFF**

Dakota Services Limited (Dakota) applied to the Public Service Commission on October 13, 1998, for certificates of service authority to provide intrastate interexchange and non-switched local exchange telecommunications services in Missouri under Section 392.410-.450, RSMo 1994 and RSMo Supp. 1997<sup>1</sup>. Dakota 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 Wisconsin C-corporation, with its principal office located at 20825 Swenson Drive, Suite 150, Waukesha, Wisconsin 53186.

The Commission issued a Notice of Applications and Opportunity to Intervene on October 20, directing parties wishing to intervene to file their requests by November 4. The requirement for a hearing is met

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

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.

Dakota filed a proposed tariff in conjunction with its application and filed substitute sheets on December 3, December 9 and December 11. The tariff's effective date was also extended and is currently December 30. Dakota's tariff describes the rates, rules, and regulations it intends to use, identifies Dakota as a competitive company, and lists the waivers requested. Dakota intends to provide interexchange and non-switched local exchange telecommunications services including Private Line (Data Service Only) services.

In its Memorandum filed on December 17 the Staff of the Commission recommended that the Commission grant Applicant a certificate of interexchange service authority, and a certificate of service authority for local exchange telecommunication services on condition that this authority be restricted to providing dedicated, non-switched local exchange private line services. Staff recommended that the Commission grant Applicant competitive status, and waiver of the statutes and rules listed on substitute sheet three of Dakota's proposed tariff. In its application, Dakota also requested waiver of the following regulations:

4 CSR 240-32.100(2) (A)	Individual Line Service
4 CSR 240-32-200(2) (B)	Dual Tone Multifrequency Signaling
4 CSR 240-32.100(2) (C)	Enhanced 911 Emergency Service
4 CSR 240-32.100(2) (G)	Dialing Parity

Staff indicated that after discussion with Dakota it was agreed that the private line/data services provided by Dakota will not utilize these services and that therefore the requested waivers are not needed. Staff recommended that the Commission approve the proposed tariff as amended to become effective on December 30.

The Commission finds that competition in the intrastate interexchange and non-switched local exchange telecommunications markets is in the public interest and Applicant should be granted certificates of service authority. The Commission finds that the services Applicant proposes to offer are competitive and Applicant 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 Dakota's proposed tariff details the services, equipment, and pricing it proposes to offer. The Commission finds that the proposed tariff filed on October 13 shall be approved as amended to become effective on December 30.

**IT IS THEREFORE ORDERED:**

1. That Dakota Services Limited is granted a certificate of service authority to provide intrastate interexchange telecommunications

services in the state of Missouri, subject to the conditions of certification set out above.

2. That Dakota Services Limited is granted a certificate of service authority to provide local exchange telecommunications services in the state of Missouri limited to providing dedicated, non-switched local exchange private line services, subject to all applicable statutes and Commission rules except as specified in this order.

3. That Dakota Services Limited is classified as a competitive telecommunications company. Application of the following statutes and regulatory rules shall be waived:

Statutes

- 392.210.2 - System of Accounts
- 392.240(1) - ratemaking
- 392.270 - valuation of property (ratemaking)
- 392.280 - depreciation accounts
- 392.290 - issuance of securities
- 392.300.2 - Stock ownership and sale
- 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  
4 CSR 240-35 - Bypass

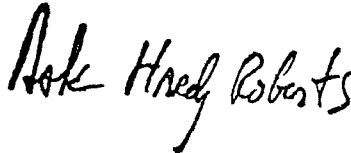
4. That the tariff filed by Dakota Services Limited on October 13, 1998, tariff file number 9900298, is approved as amended to become effective on December 30, 1998. The tariff approved is:

**P.S.C. Mo. No. 1**

5. That this order shall become effective on December 30, 1998.

6. That this case may be closed on December 31, 1998.

**BY THE COMMISSION**



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

(S E A L)

Morris L. Woodruff, 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 21st day of December, 1998.