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

In the Matter of the Application of )  
Level 3 Communications, LLC for a )  
Certificate of Service Authority to ) **Case No. TA-99-170**  
Provide Interexchange Telecommunications ) **Tariff No. 9900314**  
Services in the State of Missouri and for )  
Competitive Classification. )

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

Level 3 Communications, LLC. (Level 3) applied to the Public Service Commission on October 19, 1998, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under § 392.440, RSMo 1994<sup>1</sup>. Level 3 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. Level 3 is a limited liability company organized under the laws of Delaware, with its principal office located at 1450 Infinite Drive, Louisville, Colorado 80027.

The Commission issued a Notice of Applications and Opportunity to Intervene on October 27, directing parties wishing to intervene to file their requests by November 11. The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party

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

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.

Level 3 filed a proposed tariff in conjunction with its application and filed substitute sheets on November 12 and November 18. Level 3 extended the effective date of the tariff on November 18, December 2, and again on December 4; the tariff's current effective date is December 21. Level 3's tariff describes the rates, rules, and regulations it intends to use, identifies Level 3 as a competitive company, and lists the waivers requested.

In its Memorandum filed on December 10, the Staff of the Commission recommended that the Commission grant Applicant a certificate of service authority, competitive status, and waiver of the statutes and rules listed in the Notice. The services offered in the initial tariff are 1+, 800/888/877 Services, and Directory Assistance. Staff recommended that the Commission approve the proposed tariff as amended to become effective on December 21.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Applicant should be granted a certificate 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 Level 3'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 October 19 shall be approved as amended to become effective on December 21.

**IT IS THEREFORE ORDERED:**

1. That Level 3 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 Level 3 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 Level 3 Communications, LLC. on October 19, 1998, tariff no. 9900314, is approved as amended to become effective on December 21, 1998. The tariff approved is:

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

4. That this order shall become effective on December 21, 1998.

5. That this case may be closed on December 22, 1998.

**BY THE COMMISSION**

(S E A L)



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

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 17th day of December, 1998.