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**BEFORE THE PUBLIC SERVICE COMMISSION**

**OF THE STATE OF MISSOURI**

In the Matter of the Application of	)	
ATN Communications Incorporated for	)	
a Certificate of Authority to Provide	)	<b>Case No. TA-99-216</b>
Competitive Intrastate Interexchange	)	(Tariff File 9900384)
Telecommunications Service in Missouri.	)	

**ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY**

**AND ORDER APPROVING TARIFF**

ATN Communications Incorporated (ATN) applied to the Missouri Public Service Commission on November 12, 1998, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994<sup>1</sup>. ATN 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. ATN is an Indiana corporation, with its principal office located at 1509 Government Street, Suite 500, Mobile, Alabama 36604.

The Commission issued a Notice of Applications and Opportunity to Intervene on November 24, 1998 directing parties wishing to intervene to file their requests by December 9, 1998. 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 Incorporated v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989). Since

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

no one has asked permission to intervene or requested a hearing, the Commission may grant the relief requested based on the verified application.

ATN filed a proposed tariff in conjunction with its application and filed substitute sheets on December 9, 1998. The tariff's original effective date was December 28; however, on December 9, ATN voluntarily extended the effective date to January 8, 1999. ATN's tariff describes the rates, rules, and regulations it intends to use, identifies ATN as a competitive company, and lists the waivers requested. ATN intends to provide interexchange telecommunications services including 1+ direct dial, 800/888/877 Services, Directory Assistance, Operator Services, Debit Card Services and Credit Card Services.

In its Memorandum filed on December 22, 1998 the Staff of the Missouri Public Service Commission (Staff) recommended that the Commission grant ATN 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 January 8, 1999.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and ATN should be granted a certificate of service authority. The Commission finds that the services ATN proposes to offer are competitive and ATN 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 ATN'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 November 12, 1998 shall be approved as amended to become effective on January 8, 1999.

**IT IS THEREFORE ORDERED:**

1. That ATN Communications Incorporated 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 ATN Communications Incorporated 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

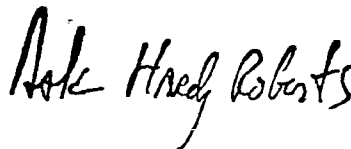
4 CSR 240-32.030(1)(C) - record-keeping  
4 CSR 240-32.030(2) - in-state record-keeping  
4 CSR 240-32.050(3) - local office record-keeping  
4 CSR 240-32.050(4) - telephone directories  
4 CSR 240-32.050(5) - call intercept  
4 CSR 240-32.050(6) - telephone number changes  
4 CSR 240-32.070(4) - public coin telephone  
4 CSR 240-33.030 - minimum charges rule  
4 CSR 240-33.040(5) - financing fees

3. That the tariff filed by ATN Communications Incorporated on November 12, 1998, is approved as amended to become effective on January 8, 1999. The tariff approved is:

**Missouri Tariff No. 1**

4. That this order shall become effective on January 8, 1999.  
5. That this case may be closed on January 9, 1999.

**BY THE COMMISSION**



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

( S E A L )

Anji Gandhi, 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 29th day of December, 1998.

**RECEIVED**  
**DEC 30 1998**

**COMMISSION COUNSEL**  
**PUBLIC SERVICE COMMISSION**