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

In the Matter of the Application of USA eXchange, )  
LLC, d/b/a OMNIPLEX Communications Group, for a )  
Certificate of Authority to Provide Competitive ) Case No. TA-97-506  
Interexchange, Basic Local Exchange and Local )  
Exchange Telecommunications services Within the )  
State of Missouri. )  
)

In the Matter of the Application of USA eXchange, )  
LLC, d/b/a OMNIPLEX Communications Group, for a )  
Certificate of Authority to Provide Competitive ) Case No. TA-97-538  
Interexchange Intrastate Telecommunications )  
Services Within the State of Missouri. )  
)

**ORDER BIFURCATING PROCEEDING AND GIVING NOTICE**

USA eXchange, LLC d/b/a Omniplex Communications Group (Omniplex) filed an application on May 20, 1997, for certificates of service authority to provide interexchange, local exchange, and basic local telecommunications services in the State of Missouri under 4 CSR 240-2.060(4). Omniplex wishes to operate as an interexchange carrier throughout the state and to provide local exchange and basic local services in all the exchanges currently served by Southwestern Bell Telephone Company (SWBT). Omniplex asked to be classified as a competitive company and receive a lesser degree of regulation as permitted by §§ 392.361 and 392.420, RSMo.<sup>1</sup> Omniplex filed a proposed tariff for its interexchange services with an effective date of July 3, which was extended to July 24. The company requested a temporary waiver of the tariff filing requirement of 4 CSR 240-2.060(4) (H) in regards to its basic local services because it has not yet completed

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

negotiations with SWBT for an interconnection agreement. Finally, Omniplex requested waiver of the following statutes and Commission rules:

**A. Waivers applicable to Omniplex's interexchange services only:**

- 4 CSR 240-10.020
- 4 CSR 240-30.010(2)(C)
- 4 CSR 240-30.040
- 4 CSR 240-32.030(1)(B) and (C)
- 4 CSR 240-32.030(2)
- 4 CSR 240-32.050(3)-(6)
- 4 CSR 240-32.070(4)
- 4 CSR 240-33.030
- 4 CSR 240-33.040(5)

**B. Waivers applicable to Omniplex's local exchange and basic local exchange services only:**

- 4 CSR 240-10.020
- 4 CSR 240-30.040
- 4 CSR 240-35

**C. Statutory waivers applicable to interexchange, local exchange, and basic local services:**

- 392.210.2
- 392.240(1)
- 392.270
- 392.280
- 392.290
- 392.310
- 392.320
- 392.330
- 392.340

Omniplex filed a Motion to Bifurcate Proceeding on June 12, asking the Commission to process the application for interexchange service authority separately from the applications for basic local and local exchange authority.

The Commission finds that bifurcating this proceeding is appropriate because Omniplex has filed proposed tariff sheets for its interexchange service which would impose an operation of law date upon the entire case should the application proceed as filed. The Commission has been permitting a 30-day intervention period in basic local certificate

application cases which is incompatible with the proposed effective date of the tariff sheets. The Commission finds that notice of both application cases should be sent to the same companies that receive notice of applications for interexchange service authority, and that interested parties should have the opportunity to intervene. Applications to intervene in the case regarding Omniplex's request for interexchange service authority should be submitted no later than June 26; applications to intervene in the case regarding Omniplex's requests for basic local and local exchange service authority should be submitted by July 16, 1997. Applications to intervene in either case must be submitted to the Executive Secretary of the Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri 65102, and copies sent to:

S. Michael McKay  
USA eXchange, LLC  
743 Spirit 40 Park, Suite 250  
Chesterfield, Missouri 63005

Mark W. Comley  
Newman, Comley & Ruth P.C.  
Post Office Box 537  
Jefferson City, Missouri 65102-0537

If no one intervenes or requests a hearing, the Commission may determine that no hearing is necessary and grant the authority requested based on the verified petition. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989).

**IT IS THEREFORE ORDERED:**

1. That the Motion to Bifurcate Proceeding filed on June 12, 1997, is granted.

2. That Case No. TA-97-538 is established and shall be captioned: "In the Matter of the Application of USA eXchange, LLC, d/b/a Omniplex Communications Group, for a Certificate of Authority to Provide Competitive

Interexchange Intrastate Telecommunications Services Within the State of Missouri."

3. That the caption of Case No. TA-97-506 shall be amended to read: "In the Matter of the Application of USA eXchange, LLC, d/b/a Omniplex Communications Group, for Certificates of Authority to Provide Basic Local Exchange and Local Exchange Intrastate Telecommunications Services Within the State of Missouri."

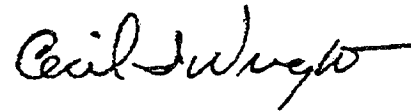
4. That the Records Department of the Commission shall send notice of this application as described above.

5. That parties wishing to intervene in Case No. TA-97-538 shall file an application to intervene no later than June 24, 1997.

6. That parties wishing to intervene in Case No. TA-97-506 shall file an application to intervene no later than July 16, 1997.

7. That this order shall become effective on the date hereof.

**BY THE COMMISSION**



**Cecil I. Wright  
Executive Secretary**

(S E A L)

L. Anne Wickliffe, Deputy Chief  
Administrative 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 June, 1997.