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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of OmniCall, Inc.)
for a Certificate of Service Authority to Provide) Case No. TA-99-24
Interexchange Telecommunications Services.)
)

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY
AND ORDER APPROVING TARIFF

OmniCall, Inc. (OmniCall) applied to the Public Service Commission on July 10, 1998, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994.¹ OmniCall 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. OmniCall is a South Carolina corporation, with its principal office located at 430 Woodruff Road, Suite 450, Greenville, South Carolina 29607.

The Commission issued a Notice of Applications and Opportunity to Intervene on July 21, directing parties wishing to intervene to file their requests by August 5. 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 to intervene or requested a hearing, the Commission may grant the relief requested based on the verified application.

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

OmniCall filed a proposed tariff in conjunction with its application and filed substitute sheets on July 17. The tariff's effective date is August 26. OmniCall's tariff describes the rates, rules, and regulations it intends to use, identifies OmniCall as a competitive company, and lists the waivers requested. OmniCall intends to provide interexchange telecommunications services including 1+, 800/888/877 services, Directory Assistance and Travel Card services.

In its Memorandum filed on August 14, the Staff of the Commission stated that OmniCall's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant OmniCall 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 August 26.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and OmniCall should be granted a certificate of service authority. The Commission finds that the services OmniCall proposes to offer are competitive and OmniCall 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 OmniCall'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 July 10 shall be approved as amended to become effective on August 26.

IT IS THEREFORE ORDERED:

1. That OmniCall, 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 OmniCall, 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 OmniCall, Inc. on July 10, 1998, is approved as amended to become effective on August 26, 1998. The tariff approved is:

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4. That this order shall become effective on August 26, 1998.
5. That this case shall be closed on September 8, 1998.

BY THE COMMISSION

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Vicky Ruth, 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 25th day of August, 1998.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION