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BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of Williams)
Communications, Inc. d/b/a Vyvx, Inc. for a) **Case No. TA-99-66**
Certificate of Service Authority to Provide) (Tariff File 9900139)
Interexchange Telecommunications Services.)

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY
AND ORDER APPROVING TARIFF

Williams Communications, Inc. d/b/a Vyvx, Inc. (Vyvx, Inc.) applied to the Public Service Commission on August 19, 1998, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994¹. Vyvx, Inc. 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. Vyvx, Inc. is a Delaware corporation, with its principal office located at 2600 One Williams Center, Tulsa, Oklahoma 74172.

The Commission issued a Notice of Applications and Opportunity to Intervene on September 1, directing parties wishing to intervene to file their requests by September 16. 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.

Vyvx, Inc. filed a proposed tariff in conjunction with its application. Vyvx, Inc. filed requests for extension of the tariff's effective date on October 19 extending the effective date from October 24 to November 7, and on October 27 extending the effective date from November 7 to November 21. Vyvx, Inc. filed substitute sheets on November 2. The tariff's effective date is November 21. Vyvx, Inc.'s tariff describes the rates, rules, and regulations it intends to use, identifies Vyvx, Inc. as a competitive company, and lists the waivers requested. Vyvx, Inc. intends to provide interexchange telecommunications services including private line services.

In its Memorandum filed on November 9, the Staff of the Commission (Staff) stated that Vyvx, Inc.'s proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant Vyvx, Inc. 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 November 21.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Vyvx, Inc. should be granted a certificate of service authority. The Commission finds that the services Vyvx, Inc. proposes to offer are competitive and Vyvx, Inc. 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 Vyvx, Inc.'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 August 19 shall be approved as amended to become effective on November 21.

IT IS THEREFORE ORDERED:

1. That Williams Communications, Inc. d/b/a Vyvx, 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 Williams Communications, Inc. d/b/a Vyvx, 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 Tariff No. 9900139 filed in Case No. TA-99-66 by Williams Communications, Inc. d/b/a Vyvx, Inc. on August 19, 1998, is approved as amended to become effective on November 21, 1998. The tariff approved is:

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4. That this order shall become effective on November 21, 1998.
5. That this case may be closed on November 23, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Shelly A. Register, 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 November, 1998.

