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Missouri Public Service Commission

MEMORANDUM

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To: Missouri Public Service Commission Official Case File
Tariff File No. 2000046 Case No. TA-2000-27
Fiber Four Corporation d/b/a Rock Port Long Distance

From: William Voight *BV*
Telecommunications Department

[Signature] for W.H. 7/28/99
Utility Operations Division/Date

Wm K Haas 7/28/99
General Counsel's Office/Date

NW 7/28/99

Subject: Staff Recommendation, to Grant Temporary Certificate of Service Authority, to Approve Tariff and to Expedite Determination of Granting of Final Certificate of Service Authority

Date: July 28, 1999

On April 22, 1999, Rock Port Telephone Company (RPTC) filed its petition with the Missouri Public Service Commission (Commission) seeking approval of its proposed intraLATA dialing parity (ILDLP) plan. The Commission assigned the petition Case No. TO-99-520. In the petition RPTC stated that Fiber Four Corporation d/b/a Rock Port Long Distance (FFC-RPLD) was an affiliate of RPTC and proposed to send customers notice that the default intraLATA toll carrier would be FFC-RPLD in the event the customer failed to select an intraLATA toll carrier. In a footnote RPTC stated that the Commission had approved certification for Fiber Four Corporation (FFC) in Case No. TA-96-376. However, FFC's tariff does not encompass intraLATA toll carrier services. After hearing, the Commission in its Order dated June 10, 1999, approved, after modifications, the ILDP plan filed by RPTC. One modification was to alter the customer notice to state that the default intraLATA toll carrier would be an RPTC affiliate. In that order the Commission also extended the intraLATA dialing parity date from July 22, 1999 to July 27, 1999, in part based on RPTC's representations that the "delay [was] necessary to ensure that the transition from the PTC [(primary toll carrier)] to its IXC [(interexchange carrier)] is as seamless as possible for customers" and that "without the delay, its IXC affiliate might not be able to complete the transition with existing resources and staff."

On June 25, 1999, FFC filed an intrastate long distance message telecommunication service (toll) tariff with the Commission proposing differing rates based upon the local exchanges where the service was to be provided. Included with the tariff were certified copies of fictitious name registrations, each filed with the Missouri Secretary of State on June 25, 1999, for FFC doing business as "Rock Port Long Distance," "Holway Long Distance," "KLM Long Distance," and "IAMO Long Distance." The tariff as submitted bore an issue date of June 25, 1999 and an effective date of July 26, 1999. These d/b/a's correspond to the names of local exchanges companies which also filed ILDP plans as follows: Holway Telephone Company, Case No. TO-99-508; IAMO Telephone Company, Case No. TO-99-509; KLM Telephone Company, Case No. TO-99-511.

6

The Commission's Records Personnel informed FFC of its intention, based upon the Commission's June 21, 1996, order in GTE Card Services Incorporated d/b/a GTE Long Distance, Case No. TO-96-381, to not accept the tariff because it proposed service under multiple fictitious names. On July 2, 1999, FFC submitted a Motion to Reinstate and Approve Tariff Filing for an Interim Period of Time (Case No. TO-2000-5). That Motion included the proposed tariff which listed FFC with four different fictitious names, one of them being Rock Port Long Distance. On July 16, 1999, the Telecommunications Department Staff (Staff) filed its recommendation to reject the filing. On July 19, 1999, FFC filed a Motion to Withdraw its Filing and then on July 21, 1999, the Commission closed the case.

On July 15, 1999, Fiber Four Corporation d/b/a Rock Port Long Distance (FFC-RPLD), initiated the present case by filing an application for certificate of service authority to provide interexchange and local exchange telecommunications services. FFC-RPLD also filed a Motion to Expedite Tariff Approval or to Grant Interim Authority and Approval. The Staff has reviewed the application and proposed tariff. FFC-RPLD proposes to offer switched long distance, toll-free, calling card, operator, directory assistance, and dedicated interexchange digital private line services. According to the application, FFC-RPLD proposes to offer services "throughout the State of Missouri". However, FFC-RPLD will initially offer services only to the local exchange customers of Rock Port Telephone Company (RPTC). Those exchanges include Rock Port, Watson and South Hamburg. FFC-RPLD requests classification as a competitive company. FFC-RPLD's requested waivers have all been previously granted to other competitive companies.

FFC-RPLD requests that its proposed tariff become effective on July 26, 1999, because RPTC is in the process of implementing its intraLATA dialing parity plan. RPTC's plan calls for the implementation of intraLATA dialing parity in the exchanges served by RPTC on July 27, 1999. Those customers who do not affirmatively select an intraLATA toll provider by July 27, 1999 will be assigned to RPTC's affiliated long distance company, FFC-RPLD.

RPTC filed its Petition for Approval of an IntraLATA Dialing Parity Plan on April 22, 1999. The Commission issued its Report and Order to approve RPTC's intraLATA dialing parity (ILDPA) plan on June 10, 1999. Had FFC-RPLD filed its application when RPTC filed its ILDPA plan or when the Commission approved RPTC's ILDPA plan, it should not now be in the position of needing expedited approval. If the Commission does not approve FFC-RPLD's application and tariff prior to July 27, 1999, RPTC customers who have not selected a primary intraLATA toll carrier (PIC) may be without "1+" intraLATA toll service. This fact is the primary reason Staff recommends issuance of a Temporary Certificate of Service Authority as the Commission is authorized to do by §392.410.6, RSMo. Supp. 1998. This statute provides:

The commission may issue a temporary certificate which shall remain in force not to exceed one year to assure maintenance of adequate service or to serve

particular customers, without notice and hearing, pending the determination of an application for a certificate.

At the request of the Staff, FFC-RPLD submitted substitute tariff sheets on July 23, 1999. The Staff has no objections to the tariff, as amended, and recommends the Commission issue an order to grant FFC-RPLD a temporary certificate of service authority to provide interexchange and local exchange telecommunications services for a period that shall terminate on the earlier of the effective date of the Commission's final order ruling on the application for certificate of service authority or the one year anniversary of the grant of the temporary certificate of authority. Staff has no objections to the applicant's request for competitive classification and request for waiver of certain Missouri statutes and Commission rules. If no parties intervene, Staff recommends the Commission cancel the temporary certificate of service authority and issue a certificate of service authority.

The Staff also recommends the Commission approve the following tariff sheets:

Fiber Four Corporation d/b/a Rock Port Long Distance PSC Mo. No. 1
Original Sheets 1-41

The Staff is aware of three other filings submitted by Fiber Four Corporation on July 15, 1999. Those include similar applications for certificates of service authority for Fiber Four Corporation d/b/a KLM Long Distance (Case No. TA-2000-23), Fiber Four Corporation d/b/a Holway Long Distance (Case No. TA-2000-24), and Fiber Four Corporation d/b/a Iamo Long Distance (Case No. TA-2000-25). In both the Fiber Four Corporation d/b/a Holway Long Distance (Case No. TA-2000-24) and Fiber Four Corporation d/b/a Iamo Long Distance (Case No. TA-2000-25) cases there are similar Motions to Expedite Tariff Approval or to Grant Interim Authority and Approval.

Copies: Director – Utility Operations Division
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