



Commissioners

SHEILA LUMPE
Chair

HAROLD CRUMPTON

CONNIE MURRAY

ROBERT G. SCHEMENAUER

M. DIANNE DRAINER
Vice Chair

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY, MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.ecodev.state.mo.us/psc/>

January 6, 2000

GORDON L. PERSINGER
Acting Executive Director
Director, Research and Public Affairs

WESS A. HENDERSON
Director, Utility Operations

ROBERT SCHALLENBERG
Director, Utility Services

DONNA M. KOLILIS
Director, Administration

DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

RE: Case No. TA-2000-141

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and fourteen (14) conformed copies of a **STAFF RECOMMENDATION**.

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

Julie A. Kardis
Assistant General Counsel
(573) 751-8706
(573) 751-9285 (Fax)

JK/lb
Enclosure
cc: Counsel of Record

FILED

JAN 6 2000

**Missouri Public
Service Commission**

FILED

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

JAN 6 2000

Missouri Public
Service Commission

In the Matter of the Application of Jato)
Operating Corp. for a Certificate of)
Authority to Provide Basic Local and)
Interexchange Telecommunications)
Service Within the State of Missouri.)

Case No. TA-2000-141

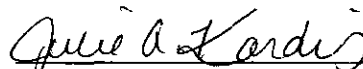
STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its recommendation states:

In the attached Memorandum, which is labeled Appendix A, the Staff recommends that the Missouri Public Service Commission issue an Order approving the tariff as amended.

Respectfully submitted,

DANA K. JOYCE
General Counsel



Julie A. Kardis
Assistant General Counsel
Missouri Bar No. 44450

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-8706 (Telephone)
(573) 751-9285 (Fax)

Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 6th day of January 2000.

Julie A. Karcher

MEMORANDUM

RECEIVED

To: Missouri Public Service Commission Official Case File
Tariff File No. 200000510 Case No. TA-2000-141
Jato Operating Corp.

JAN 5 1999
MS 9:20
MISSOURI
Public Service Commission

From: Sara Buyak *SB* *BV* *A*
Telecommunications Department

Wendell 1-5-00
Utility Operations Division/Date

Wm K Haas 1/5/00
General Counsel's Office/Date

OK 1-6-00

Subject: Staff Recommendation for Approval of the Local Exchange Tariff

Date: January 3, 2000

On August 12, 1999, Jato Operating Corp. (Jato) applied to the Commission for certificates of service authority to provide basic local exchange telecommunications services in exchanges currently served by Southwestern Bell Telephone Company (SWBT) and interexchange telecommunications services in Case No. TA-2000-141. On October 29, 1999, the Order Granting Certificates to Provide Telecommunications Services approved the Stipulation and Agreement of Southwestern Bell Telephone Company, Jato, and the Staff of the Telecommunications Department (Staff).

On August 4, 1999, Jato filed the Interconnection agreement between SWBT and Jato for resale of SWBT service with the pages numbered seriatim.

On October 29, 1999, the Missouri Public Service Commission's Order Granting Certificates to Provide Telecommunications Services granted the waiver 4 CSR 240-2.060 (4) (H), which requires the filing of a 45-day tariff. On November 30, 1999, Jato filed its Local Exchange Telecommunications Tariff, Tariff Number 200000510.

Jato proposes to offer digital subscriber line services to residential and business customers primarily for the purposes of transmitting data services from Jato's customers to Internet service providers. As such, the rates of Jato's proposed data services will be based on an individual case basis, consistent with Commission treatment of other similar providers (see for example, Case No. TA-99-150 - Dakota Services Limited) of non-switched data services. On Original Page No. 42, Jato states tariff rates, terms, and conditions will be filed, should the Company ever offer services which connect end-users to the public switched network (i.e., switched basic local service).

Jato's tariff lists the waivers as granted by the Commission in its certification case:

Section 392.210.2
Section 392.270

Section 392.280

Section 392.290.

Section 392.290.1

Section 392.300.2

Section 392.310

Section 392.320

Section 392.330

Section 392.340

4 CSR 240-10.020

4 CSR 240-30.010 (2) (c)

4 CSR 240-30.040

4 CSR 240-32.030 (1) (B) & (C), (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)

On December 13, 1999, December 23, 1999, January 3, 2000, and January 5, 2000, Jato filed substitute tariff sheets. These sheets were reviewed and found acceptable.

Staff has reviewed the filing and has no objection to Commission approval, as amended. Staff is aware of Jato's Interexchange tariff filing, File No. 200000441, which also proposes to offer digital subscriber line services primarily for the purposes of transmitting data services from Jato's customers to internet service providers. Staff does not believe the above referenced Interexchange tariff filing of Jato would affect this filing.

Service List for
Case No. TA-2000-141
Revised: January 6, 1999

Office of Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Richard S. Brownlee, III
Hendrae and Andrea, L.L.C.
221 Bolivar St. P.O. Box 1069
Jefferson City, MO 65102

Paul G. Lane/ Anthony K. Conroy
Leo J. Bub/ Katherine C. Swaller
Attorneys for Southwestern Bell Telephone Co.
One Bell Center, Room 3520
St. Louis, MO 63101-1976