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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 27th
day of May, 1998.

In the Matter of the Application of Heartland)
Health System, Inc. for Amendment to its Certifi-) Case No. TO-98-312
cate of Service Authority to Provide Shared)
Tenant Services within the State of Missouri.)

ORDER AMENDING STS CERTIFICATE

Heartland Health System, Inc. (Heartland) was granted a certificate to provide shared tenant services (STS) on March 15, 1994 in Case No. TA-94-188. Heartland filed a letter with the Commission on December 12, 1997 addressed to the Executive Secretary, advising the Commission that Heartland wished to make a change in its provision of STS. Heartland's letter stated that the company is constructing a new Cancer Center located on the same tract of land as Heartland's Medical Plaza Offices, the building for which Heartland is authorized to provide STS. Heartland stated that it wanted to amend its STS agreement to be able to provide telephone service to the new building through the same switch that is now used to provide service to Heartland Medical Plaza.

The Staff of the Commission (Staff) filed a response to Heartland's letter on January 23, 1998, taking the position that Heartland's letter is not adequate to effect an amendment to its STS certification. Staff stated that Heartland should be required to verify that its new premises meet the definition of "discrete private premises."

On April 23, the Commission issued an order establishing this case and directing Heartland to file an appropriate pleading requesting the amendment and addressing Staff's concerns regarding its new Cancer Center as part of Heartland's "discrete private premises."

On April 29, Heartland filed a pleading, which was verified by affidavit of John P. Wilson, Heartland's Chief Financial Officer, requesting an amendment to its certificate of service authority. In that pleading, Heartland states that the Cancer Center is contiguous to and under associated ownership with buildings for which Heartland has previously been granted a certificate, and that all the buildings will be served by a single wire center. Heartland states that its new Cancer Center is part of "discrete private premises" previously certificated by the Commission, and therefore requests an amendment to its certificate.

On May 12, Staff filed a pleading recommending that the Commission grant Heartland an amended certificate of service authority to provide STS which includes its new Cancer Center.

The Commission most recently defined the requirements for "discrete private premises" in In Re: Application of GE Capital-ResCom, L.P., for certificate of service authority to provide shared tenant services, 4 Mo. P.S.C. 3d 160. The Commission found that

the requirements are: (1) that all buildings are located on either a continuous tract of land or upon adjacent and abutting tracts of land only separated by a public thoroughfare; (2) that all buildings and land must be subject to common ownership interest or associated ownership interests; and (3) that all buildings and land should be located in the same wire center.

Heartland's pleading demonstrates that the new Cancer Center is part of the discrete private premises previously certificated. The Commission finds that, for the same reasons Heartland's original application was in the

public interest, amending Heartland's certificate of service authority to include the new Cancer Center is in the public interest.

The requirement of a hearing has been fulfilled when all those having a desire to be heard are offered an opportunity to be heard. Since no party applied to intervene and neither Staff nor the Office of the Public Counsel requested a hearing, the Commission determines that a hearing is not necessary and that the Applicant may submit its evidence in support of the requested amendment by verified statement. State ex rel. Rex Deffenderfer Enterprises, Inc. v. P.S.C., 776 S.W.2d 494, 496 (Mo. App. 1989).

IT IS THEREFORE ORDERED:

1. That the Certificate of Service Authority granted Heartland Health System, Inc. in Case No. TA-94-188 is hereby amended to include the new Cancer Center as described in Heartland's verified Request for an Amendment to Its Certificate of Service Authority.

3. That this order shall become effective on June 9, 1998.

BY THE COMMISSION



**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

(S E A L)

Lumpe, Ch., Murray, and Drainer, CC., concur.
Crumpton and Schemenauer, CC., absent.

Mills, Deputy Chief Regulatory Law Judge

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION