

187

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of)
FirstWorld Communications, Inc.)
for a Certificate of Authority to) Case No. TA-99-190
Provide Competitive Intrastate) Tariff No. 9900354
Interexchange Telecommunications)
Service in Missouri.)

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY AND
ORDER APPROVING TARIFF

FirstWorld Communications, Inc. (FirstWorld) applied to the Public Service Commission on October 30, 1998, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri pursuant to section 392.440, RSMo 1994¹. FirstWorld 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. Applicant is a Delaware corporation, with its principal office located at 9333 Genesee Avenue, Suite 200, San Diego, California 92121.

The Commission issued a Notice of Applications and Opportunity to Intervene on November 3, directing parties wishing to intervene to file their requests by November 18. 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

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

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.

FirstWorld filed a proposed tariff in conjunction with its application and filed substitute sheets on November 30. The tariff's effective date is December 15. FirstWorld's tariff describes the rates, rules, and regulations it intends to use, identifies FirstWorld as a competitive company, and lists the waivers requested. FirstWorld intends to provide interexchange telecommunications services including 1+, 800/888/877 Services, Directory Assistance, Operator Services, Debit Card, Travel Card services.

In its Memorandum filed on December 4, the Staff of the Commission stated that Applicant's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant Applicant 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 December 15.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Applicant should be granted a certificate of service authority. The Commission finds that the services Applicant proposes to offer are competitive and Applicant 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 FirstWorld'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 October 30 shall be approved as amended to become effective on December 15.

IT IS THEREFORE ORDERED:

1. That FirstWorld Communications, 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 FirstWorld Communications, 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 FirstWorld Communications, Inc. on October 30, 1998, is approved as amended to become effective on December 15, 1998. The tariff approved is:

Missouri Tariff No. 1

- 4. That this order shall become effective on December 15, 1998.
- 5. That this case may be closed on December 16, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Morris L. Woodruff, 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 10th day of December, 1998.

RECEIVED

DEC 15 1998

COMMUNICATIONS
PUBLIC UTILITIES DIVISION