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At a session of the Public Service Commission held at its office in Jefferson City on the 19th day of November, 1997.

In the matter of the Application of United)
Services Telephone, L.L.C. for a Certificate of) **Case No. TA-98-108**
Authority to Provide Competitive Intrastate)
Interexchange Telecommunications Service.)
)

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE
AUTHORITY AND ORDER APPROVING TARIFF

United Services Telephone, L.L.C. (UST) applied to the Public Service Commission on September 8, 1997, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994.¹ UST 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. UST is a Tennessee corporation, with its principal office located at 475 Metroplex Drive, Suite 106, Nashville, Tennessee 37211.

In its Application, UST indicated its intention to use a particular company as its underlying carrier. The Staff of the Commission advised UST that its chosen underlying carrier did not possess a certificate of service authority to provide telecommunications services in Missouri. UST subsequently filed an Amended Application on November 6 indicating it will not use the proposed uncertified company as its

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

underlying carrier until that company has completed the Missouri certification process.

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

UST filed a proposed tariff in conjunction with its application and filed substitute sheets on October 3. The tariff's effective date is November 21. UST's tariff describes the rates, rules, and regulations it intends to use, identifies UST as a competitive company, and lists the waivers requested. UST intends to provide interexchange telecommunications services including 1+ direct dial, 800 number services, directory assistance and travel card services.

Staff filed a Memorandum on October 7 recommending approval of UST's application. Subsequently, Staff became aware that UST's proposed underlying carrier did not possess a certificate of service authority to provide telecommunications services in Missouri. Following discussions between UST and Staff, UST filed its Amended Application. Staff filed a second Memorandum considering UST's Amended Application on November 12. Staff stated that UST's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant UST 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 to become effective on November 21.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and UST should be granted a certificate of service authority. The Commission finds that the services UST proposes to offer are competitive and UST should be classified as a competitive company. The Commission finds that waiving the statutes and Commission rules set out in Ordered Paragraph 2 is reasonable and not detrimental to the public interest.

The Commission determines, by authority of Section 392.470, that UST should comply with the following regulatory requirements as reasonable and necessary conditions of certification:

- (1) UST must comply with reasonable requests by Staff for financial and operating data to allow Staff to monitor the intraLATA toll market. § 386.320.3.
- (2) UST must file tariffs containing rules and regulations applicable to customers, a description of the services provided, and a list of rates associated with those services in accordance with 4 CSR 240-30.010 and Section 392.220, RSMo Supp. 1996.
- (3) UST may not unjustly discriminate between its customers. §§ 392.200, RSMo Supp. 1996, 392.400.
- (4) UST must comply with all applicable rules of the Commission except those specifically waived by this order. §§ 386.570, 392.360.
- (5) UST must file a Missouri-specific annual report. §§ 392.210, 392.390.1.

(6) UST must comply with jurisdictional reporting requirements as set out in each local exchange company's access services tariffs. § 392.390.3.

(7) UST must submit to the Staff, on a confidential basis, a copy of the jurisdictional report it submits to local exchange companies. The report must be submitted within ten days of the date on which it is submitted to the local exchange company.

The Commission finds that UST'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 September 8 shall be approved as amended to become effective on November 21.

IT IS THEREFORE ORDERED:

1. That United Services Telephone, L.L.C. is granted a certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri, subject to the conditions of certification set out above.

2. That United Services Telephone, L.L.C. is classified as a competitive telecommunications company. 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. 1996 - 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 United Services Telephone, L.L.C. on September 8, 1997, is approved as amended to become effective on November 21, 1997. The tariff approved is:

P.S.C. Mo. No. 1

4. That this order shall become effective on November 21, 1997.
5. That this case shall be closed on December 2, 1997.

BY THE COMMISSION



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

(S E A L)

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

Hennessey, Regulatory Law Judge