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BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of BroadSpan)
Communications, Inc. for Certificates of Service)
Authority to Provide Basic Local Telecommunica-)
tions Services, Local Exchange Telecommunications) Case No. TA-98-181
Services, Exchange Access Services, and Inter-)
exchange Telecommunications Services in the State)
of Missouri and for Competitive Classification.)
)

ORDER AND NOTICE

BroadSpan Communications, Inc. (BroadSpan) filed an application on October 30, 1997, for certificates of service authority to provide basic local telecommunications service, local exchange telecommunications service, and interexchange telecommunications service in the State of Missouri under 4 CSR 240-2.060(4). BroadSpan wishes to provide resold services in all the exchanges currently served by Southwestern Bell Telephone Company (SWBT), GTE Midwest Incorporated (GTE), and United Telephone Company of Missouri, d/b/a Sprint (Sprint-United). BroadSpan asked to be classified as a competitive company and receive a lesser degree of regulation as permitted by Sections 392.361 and 392.420, RSMo.¹ BroadSpan requested a temporary waiver of 4 CSR 240-2.060(4)(H) that requires an applicant to file a tariff simultaneously with its application, on the grounds that it is impossible for BroadSpan to prepare a tariff until it has executed interconnection agreements with SWBT, GTE, and Sprint-United and those agreements have been approved by the Commission.

¹ All statutory references are to the Revised Statutes of Missouri, 1994 or to the 1996 Supplement.

Finally, BroadSpan requested waiver of the following statutes and Commission rules for all of the services that BroadSpan proposes to offer:

<u>Statutes</u>	<u>Commission Rules</u>
392.210.2	4 CSR 240-10.020
392.240(1)	4 CSR 240-30.040
392.270	4 CSR 240-35
392.280	
392.290.1	
392.300.2	
392.310	
392.320	
392.330	
392.340	

BroadSpan further requested waiver of the following Commission rules for all of the local exchange and interexchange services that BroadSpan proposes to offer:

- 4 CSR 240-30.010(2) (C)
- 4 CSR 240-32.030(1) (B)
- 4 CSR 240-32.030(1) (C)
- 4 CSR 240-32.030(2)
- 4 CSR 240-32.050(3-6)
- 4 CSR 240-32.070(4)
- 4 CSR 240-33.030

BroadSpan failed to include a list of the exchanges or wire centers in which it proposes to offer basic local exchange telecommunications services. The Commission will require BroadSpan to file a list of such exchanges or wire centers.

The Commission finds that notice of this application should be sent to the companies that receive notice of applications for interexchange service authority, and that interested parties should have the opportunity to intervene. Applications to intervene should be submitted by December 12, 1997, to the Executive Secretary of the Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri 65102, and copies sent to:

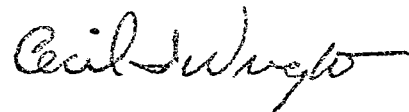
Carl J. Lumley
Leland B. Curtis
Curtis, Oetting, Heinz, Garrett & Soule, P.C.
130 South Bemiston, Suite 200
Clayton, Missouri 63105

If no one requests a hearing, the Commission may determine that no hearing is necessary and grant the authority requested based on the verified petition. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989).

IT IS THEREFORE ORDERED:

1. That the Records Department of the Commission shall send notice of this application as described above.
2. That parties wishing to intervene shall file an application to intervene no later than December 12, 1997.
3. That BroadSpan Communications, Inc. shall submit a list of the exchanges or wire centers in which it proposes to offer basic local exchange telecommunications services no later than December 5, 1997.
4. That this order shall become effective on November 12, 1997.

BY THE COMMISSION



**Cecil L. Wright
Executive Secretary**

(S E A L)

Amy E. Randles, 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 12th day of November, 1997.