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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 30th
day of December, 1997.

In the Matter of the Application of New Concept)
Communications, LLC for a Certificate of)
Authority to Provide Competitive Interexchange,)
Intrastate Telecommunications Services Within the)
State of Missouri.)
)

Case No. TA-98-215

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE
AUTHORITY AND ORDER APPROVING TARIFF

New Concept Communications, LLC (New Concept) applied to the Public Service Commission on November 20, 1997, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under § 392.440, RSMo 1994¹. New Concept asked the Commission to classify it as a competitive company and waive certain statutes and rules as authorized by §§ 392.361 and 392.420. New Concept amended its application by interlineation on December 1. New Concept is a California corporation, with its principal office located at 1421 State Street, Suite C, Santa Barbara, California 93101.

The Commission issued a Notice of Applications and Opportunity to Intervene on November 25, directing parties wishing to intervene to file their requests by December 10. 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.

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

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.

New Concept filed a proposed tariff in conjunction with its application and filed substitute sheets on December 11 and December 12. The tariff's effective date is January 4, 1998. New Concept's tariff describes the rates, rules, and regulations it intends to use, identifies New Concept as a competitive company, and lists the waivers requested. New Concept intends to provide interexchange telecommunications services including 1+ direct dial telecommunications service.

In its Memorandum filed on December 22, 1997, the Staff of the Commission (Staff) stated that New Concept's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant New Concept a certificate of service authority, competitive status, and waiver of the statutes and rules listed in the Notice. Staff discussed New Concept's request for a waiver of Section 392.210.2, RSMo 1994 (Uniform System of Accounts), and the fact that this statute has been waived for competitive local exchange providers, but Staff did not make a recommendation to the Commission regarding this particular request. Staff recommended that the Commission approve the proposed tariff to become effective on January 4, 1998.

On December 24, 1997, the Staff filed a clarifying Memorandum, stating that it supports New Concept's request for a waiver of Section 392.210.2, RSMo 1994, because this statute relates to a Commission-established system of accounts that is unnecessary for competitive interexchange companies.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and New Concept should be granted a certificate of service authority. The Commission finds that the services New Concept proposes to offer are competitive and New Concept 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 New Concept should comply with the following regulatory requirements as reasonable and necessary conditions of certification:

- (1) New Concept 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) New Concept 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) New Concept may not unjustly discriminate between its customers. §§ 392.200, RSMo Supp. 1996, 392.400.
- (4) New Concept must comply with all applicable rules of the Commission except those specifically waived by this order. §§ 386.570, 392.360.
- (5) New Concept must file a Missouri-specific annual report. §§ 392.210, 392.390.1.

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

(7) New Concept 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 New Concept'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 November 20 shall be approved as amended to become effective on January 4, 1998.

IT IS THEREFORE ORDERED:

1. That New Concept Communications, LLC 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 New Concept Communications, LLC is classified as a competitive telecommunications company. The following statutes and regulatory rules shall be waived:

Statutes

392.210.2 - Uniform System of Accounts
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 New Concept Communications, LLC on November 20, 1997, is approved as amended to become effective on January 4, 1998. The tariff approved is:

P.S.C. MO. No. 1

4. That this order shall become effective on January 4, 1998.
5. That this case shall be closed on January 13, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

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

Randles, Regulatory Law Judge