



Missouri Public Service Commission

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April 18, 2000

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DANA K. JOYCE
General Counsel

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

FILED²
APR 18 2000
Missouri Public
Service Commission

RE: Case No. TA-2000-571

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and fourteen (14) conformed copies of a **STAFF RECOMMENDATION**.

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

Nathan Williams
Assistant General Counsel
(573) 751-8702
(573) 751-9285 (Fax)

NW/lb
Enclosure
cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

APR 18 2000

Missouri Public
Service Commission

In the Matter of the Application of)
Maxcess, Inc. for a Certificate of Service)
Authority to provide Interexchange)
Telecommunications Services in the State)
of Missouri and to Classify Said Services)
and the Company as Competitive)
)
)

Case No. TA-2000-571

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its recommendation states:

1. In the attached Memorandum, which is labeled Appendix A, the Staff recommends that the Missouri Public Service Commission ("Commission") grant Maxcess, Inc. (Applicant) a certificate to provide interexchange telecommunications services. The Commission shall grant an application for a certificate of telecommunications service authority upon a finding that the grant of authority is in the public interest. (See §§ 392.430 and 392.440, RSMo 1994).

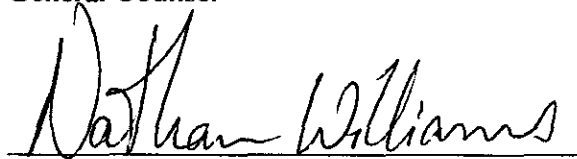
2. Staff also recommends that the Commission classify the Applicant and its services as competitive. The Commission may classify a telecommunications provider or its services as competitive if the Commission determines it is subject to sufficient competition to justify a lesser degree of regulation. (See §392.361.2 RSMo 1994). All the services a competitive company provides must be classified as competitive. (See §392.361.3 RSMo 1994).

3. In its Attachment to Appendix A Staff further recommends that the Commission approve the waivers listed therein. These waivers are the same as those listed in Maxcess tariff sheet Original Sheet 2 of P.S.C. MO. TARIFF NO. 1. These cites vary from those listed in the application and Notice of Applications, but were filed at the request of Staff due to revisions of rules and with the exception of 4 CSR 240-35 are substantively the same as those listed in the application. These waivers have been granted to other carriers in the past. The Commission may waive the application of its rules and certain statutes if the Commission determines that waiver is consistent with the purposes of Chapter 392 RSMo. (See §§ 392.361.3 and 392.420 RSMo 1994 and § 392.185 RSMo Supp. 1999).

WHEREFORE, the Staff recommends that the Commission grant Maxcess, Inc. a Certificate to provide Interexchange telecommunications services, grant Applicant and its services competitive classification, approve Applicant's proposed tariff, PSC MO No. 1 with a proposed effective date of April 28, 2000, and approve the waivers listed in the Attachment to Appendix A of this filing.

Respectfully submitted,

DANA K. JOYCE
General Counsel

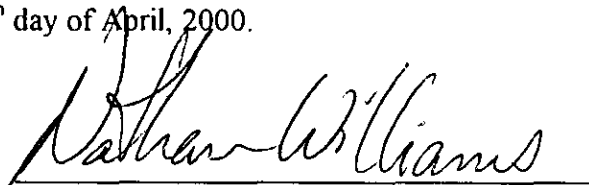


Nathan Williams
Assistant General Counsel
Missouri Bar No. 35512

Attorney for the Staff of the
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Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 18th day of April, 2000.



MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No: TA-2000-571 File No: 200000828
Applicant: Maxcess, Inc.

From: Sara Buyak *SB*
Telecommunications Department

[Signature] 4/18/00 *Wm K Hase* 4/18/00
Utility Operations Division/Date General Counsel's Office/Date

Subject: Staff Recommendation for Approval of Certificate

Date: April 17, 2000

Date Assigned: March 25, 2000

Staff Deadline: April 19, 2000

The Telecommunications Department Staff (Staff) recommends the applicant be granted the following certificate(s), as indicated below, to be effective on the same date the tariff becomes effective:

- certificate to provide interexchange telecommunications services.
 - certificate to provide local exchange telecommunications services.*
- *local exchange authority should be restricted to dedicated, private line services.

Staff recommends the applicant and its services receive competitive classification. Furthermore, Staff recommends approval of the applicant's proposed tariff, PSC MO NO. 1, with a proposed effective date of April 28, 2000.

Is there an attachment to this recommendation indicating any additional recommendations or special considerations? Yes No

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MS 9:18
COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION

Application/Tariff Review Items

- No applications to intervene filed.

- Application contains the following:**
 - Proper Secretary of State authorization
 - Request for classification as a competitive telecommunications company.
 - All requested waivers are listed in the Notice and all requested waivers have previously been granted to other competitive companies.

- Proposed tariff:**
 - Complies with PSC rules and statutes applicable to applicant.
 - If operator services offered, operator services requirements are included.
 - Includes "interexchange" tariff text if offers private line service w/o requesting a local certificate.
 - If ICB pricing proposed, only for private line.
 - If ICB pricing is offered, tariff includes standardized ICB text.
 - Rate structures or service offerings are similar to existing IXC offerings. (In addition, tariff does not geographically de-average).
 - If promotional offering text is included, it is standardized promotion text.

Services Offered in Initial Tariff

- | | |
|--|---|
| <input checked="" type="checkbox"/> 1+ | <input type="checkbox"/> Private Line |
| <input checked="" type="checkbox"/> 800/888/877 Services | <input checked="" type="checkbox"/> Debit Card |
| <input checked="" type="checkbox"/> Directory Assistance | <input checked="" type="checkbox"/> Travel Card |
| <input type="checkbox"/> Operator Assistance | <input type="checkbox"/> Other: |

Has proposed effective date been extended? Yes No
 New effective date:

Have substitute tariff sheets been filed? Yes No
 Date of substitute sheets: March 21, 2000

From	Initials	Date	Revised
Sara Buyak	SB	3/20/00	24-17
Wm. Voight	BW	3-24-17	
Mr. VanEschen			
Mr. Henderson			
Legal			

Attachment to Staff Recommendation for Case No. TA-2000-571.

On March 21, 2000, the applicant revised the list of requested waivers. Staff recommends approval of this revised list of waivers identified below:

Statute/Rule	Brief Description
Section 392.210.2	Establish uniform system of accounts used for annual reports.
Section 392.240(1)	Setting just and reasonable rates
Section 392.270	Ascertain property values.
Section 392.280	Establish depreciation accounts.
Section 392.290	Issuance of securities.
Section 392.300.2	Acquisition of stock.
Section 392.310	Issuance of stock and debt.
Section 392.320	Stock dividend payment.
Section 392.330	Issuance of securities, debts & notes.
Section 392.340	Reorganization(s).
4 CSR 240-10.020	Depreciation fund income.
4 CSR 240-30.010(2)(C)	Rate schedules should be posted at central office.
4 CSR 240-30.040	Adopts FCC's Part 32 uniform system of accounts for Class A and Class B companies.
4 CSR 240-33.030	Inform customers of lowest price.
4 CSR 240-35	Reporting of bypass.

**Service List for
Case No. TA-2000-545
April 18, 2000**

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