

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of Concert)	
Communications Sales LLC for a Certificate)	
of Service Authority to Provide Intrastate)	Case No. TA-99-415
Interexchange Telecommunications Services)	Tariff No. 9900750
within the State of Missouri.)	

ORDER APPROVING INTEREXCHANGE
CERTIFICATE OF SERVICE AUTHORITY
AND APPROVING TARIFF

Concert Communications Sales, L.L.C. (Applicant or Concert) applied to the Public Service Commission on March 29, 1999, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994¹. Concert 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 Reston Town Center, 11921 Freedom Drive, Reston, Virginia 20190.

The Commission issued a Notice of Applications and Opportunity to Intervene on April 6, 1999, directing parties wishing to intervene to file their requests by April 21, 1999. No requests to intervene were received. The requirement for a hearing is met when the opportunity for

¹All statutory references, unless otherwise specified, are to the Revised Statutes of Missouri, revision of 1994.

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.

Concert filed a proposed tariff in conjunction with its application, Tariff No. 9900750, originally effective May 14, 1999. Concert extended the effective date by letters filed on April 29, 1999, June 3, 1999, June 14, 1999, June 21, 1999, June 25, 1999, and July 9, 1999; the final effective date is August 7, 1999. Concert filed substitute tariff sheets on April 13, 1999, April 22, 1999, May 19, 1999, May 20, 1999, and July 16, 1999. Concert's tariff describes the rates, rules, and regulations it intends to use, identifies Concert as a competitive company, and lists the waivers requested. Concert intends to provide interexchange telecommunications services including 1+ long distance services, 800/888/877 services, private line services, debit card services, and post-paid calling card/ISDN services.

In its Memorandum filed on July 22, 1999, 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 August 7, 1999.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Concert should be granted a certificate of service authority. The Commission finds that the services Concert proposes to offer are competitive and Concert 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 Concert'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 March 29, 1999, shall be approved as amended on April 13, 1999, April 22, 1999, May 19, 1999, May 20, 1999, and July 16, 1999, to become effective on August 7, 1999.

IT IS THEREFORE ORDERED:

1. That Concert Communications Sales, L.L.C., 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 Concert Communications Sales, L.L.C., is classified as a competitive telecommunications company. Application of the following statutes and regulatory rules shall be waived:

Statutes

- 392.210.2 - system of accounts
- 392.240(1) - ratemaking
- 392.270 - valuation of property (ratemaking)
- 392.280 - depreciation accounts
- 392.290 - issuance of securities
- 392.300.2 - stock ownership and sale
- 392.310 - stock and debt issuance
- 392.320 - stock dividend payment
- 392.340 - reorganization(s)
- 392.330, RSMo Supp. 1998 - 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 proposed tariff filed by Concert Communications Sales, L.L.C., on March 29, 1999, Tariff No. 9900750, shall be approved as amended on April 13, 1999, April 22, 1999, May 19, 1999, May 20, 1999, and July 16, 1999, to become effective on August 7, 1999. The tariff approved is:

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4. That this order shall become effective on August 7, 1999.
5. That this case shall be closed on August 8, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Kevin A. Thompson, Deputy Chief
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 23rd of July, 1999.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION