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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 21st
day of January, 1998.

In the Matter of the Application of Efficy Group,)
Inc. for a Certificate of Service Authority to) Case No. TA-98-173
Provide Intrastate Interexchange Services in)
Missouri.)
)

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE
AUTHORITY AND ORDER APPROVING TARIFF

Efficy Group, Inc. (Efficy), applied to the Public Service Commission on October 22, 1997, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994¹. Efficy 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. Efficy is a South Carolina corporation, with its principal office located at 403 Woods Lake Road, Suite 140, Greenville, South Carolina 29607.

The Commission issued a Notice of Applications and Opportunity to Intervene on October 28, directing parties wishing to intervene to file their requests by November 12. 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

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

or requested a hearing, the Commission may grant the relief requested based on the verified application.

Efficy filed a proposed tariff in conjunction with its application and filed substitute sheets on December 5, December 31, and January 13. The tariff's effective date is January 22, 1998. Efficy's tariff describes the rates, rules, and regulations it intends to use, identifies Efficy as a competitive company, and lists the waivers requested. Efficy intends to provide interexchange telecommunications services including 1+ direct dial, 800 number services, travel card services, dedicated outbound and dedicated toll free services.

The Staff of the Commission filed a Memorandum recommending approval of Efficy's application and tariff on January 12, 1998. Staff subsequently filed an amended recommendation on January 14. In its amended recommendation, Staff stated that Efficy's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant Efficy a certificate of service authority, competitive status, and waiver of the statutes and rules listed in the Notice. Staff also recommended that the Commission waive Section 392.210.2 RSMo 1994.² Staff recommended that the Commission approve the proposed tariff to become effective on January 22, 1998.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Efficy should be granted a certificate of service authority. The

² This statute concerning a system of accounts was waived for New Concept Communications L.L.C. in the Commission's order granting a certificate of service authority to provide intrastate interexchange telecommunications service in Case No. TA-98-215. This statute is also generally waived for competitive local exchange companies. See Case Nos. TA-96-374, TA-96-438, and TA-96-455.

Commission finds that the services Efficy proposes to offer are competitive and Efficy 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 finds that Efficy'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 October 22 shall be approved as amended to become effective on January 22, 1998.

IT IS THEREFORE ORDERED:

1. That Efficy Group, Inc., 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 Efficy Group, Inc., 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
392.310 - 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 Efficacy Group, Inc., on October 22, 1997, is approved as amended to become effective on January 22, 1998. The tariff approved is:

P.S.C. Mo. No. 1

4. That this order shall become effective on January 22, 1998.
5. That this case shall be closed on February 3, 1998.

BY THE COMMISSION

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Drainer and Murray,
CC., concur.
Crumpton, C., not participating.

Hennessey, Regulatory Law Judge

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION