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BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of Teligent, Inc.)
for a Certificate of Authority to Provide Inter-) **Case No. TA-98-259**
exchange and Local Exchange Telecommunications)
Services.)

ORDER APPROVING INTEREXCHANGE AND NONSWITCHED LOCAL EXCHANGE
CERTIFICATES OF SERVICE AUTHORITY AND ORDER APPROVING TARIFF

Teligent, Inc. (Teligent) applied to the Public Service Commission on December 23, 1997, for certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.410-.450, RSMo 1994 and RSMo Supp. 1997¹. Teligent 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. Teligent is a Delaware corporation, with its principal office located at 8065 Leesburg Pike, Suite 400, Vienna, Virginia 22182.

The Commission issued a Notice of Applications and Opportunity to Intervene on January 6, 1998, directing parties wishing to intervene to file their requests by January 21. Teligent amended its application on January 21 to add statutory references and, on March 3, Teligent further amended its application to include nonswitched local exchange telecommunications services. Teligent had originally requested a local exchange certificate in connection with its application for a basic local exchange certificate in Case No. TA-98-258, but Teligent amended that application to remove the request for a nonswitched local exchange certificate after

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

the local exchange request was added to this case. The Commission issued a second Notice of Applications and Opportunity to Intervene on March 31, directing parties wishing to intervene to file their requests by April 15. Teligent filed a third amendment to its application on March 18 to reflect changes in its certificate of service authority from the Missouri Secretary of State.

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

Teligent filed a proposed tariff on February 5 and filed substitute sheets on March 3, March 6 and March 27. The tariff's effective date is May 1. Teligent's tariff describes the rates, rules, and regulations it intends to use, identifies Teligent as a competitive company, and lists the waivers requested. Teligent intends to provide interexchange and nonswitched local exchange telecommunications services including 1+ direct dial, 800/888/877 services, directory assistance, private line, travel card and directory listing services.

In its Memorandum filed on April 7 the Staff of the Commission stated that Teligent's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant Teligent a certificate of interexchange service authority, and a certificate of service authority for local exchange telecommunication services on condition that this authority be restricted to providing dedicated,

nonswitched local exchange private line services. Staff recommended that the Commission grant Teligent 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 May 1.

The Commission finds that competition in the intrastate interexchange and nonswitched local exchange telecommunications markets is in the public interest and Teligent should be granted certificates of service authority. The Commission finds that the services Teligent proposes to offer are competitive and Teligent 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 Teligent's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated interexchange and nonswitched local exchange carriers. The Commission finds that the proposed tariff filed on February 5 shall be approved as amended to become effective on May 1.

IT IS THEREFORE ORDERED:

1. That Teligent, Inc. 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 Teligent, Inc. is granted a certificate of service authority to provide local exchange telecommunications services in the state of Missouri limited to providing dedicated, nonswitched local

exchange private line services, subject to all applicable statutes and Commission rules except as specified in this order.

3. That Teligent, Inc. is classified as a competitive telecommunications company. Application of the following statutes and regulatory rules shall be waived:

Statutes

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. 1997 - 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

4. That the tariff filed by Teligent, Inc. on February 5, 1998, is approved as amended to become effective on May 1, 1998. The tariff approved is:

Tariff MO P.S.C. No. 1

5. That this order shall become effective on May 1, 1998.
6. That this case shall be closed on May 11, 1998.

BY THE COMMISSION

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, flowing style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(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 30th day of April, 1998.