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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of LEC Long Distance, Inc., Doing Business in Missouri as CassTel Long Distance, for a Certificate of Service Authority to Provide Intrastate Interexchange Telecommunications Services to the Public Within the State of Missouri.)
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) **Case No. TA-99-182**
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ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY
AND ORDER APPROVING TARIFF

LEC Long Distance, Inc., d/b/a CassTel Long Distance (CassTel) applied to the Public Service Commission on October 26, 1998, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994¹. CassTel 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. CassTel is a Missouri corporation, with its principal office located at 192 West Broadway, Peculiar, Missouri 64078.

The Commission issued a Notice of Applications and Opportunity to Intervene on November 3, directing parties wishing to intervene to file their requests by November 18. 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 Commis-

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

sion, 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.

CassTel filed a proposed tariff in conjunction with its application and filed substitute sheets on November 19, December 11 and December 14. The tariff's original effective date was December 10. On December 10, CassTel voluntarily extended the effective date of the tariff to December 23. CassTel's tariff describes the rates, rules, and regulations it intends to use, identifies CassTel as a competitive company, and lists the waivers requested. CassTel intends to provide interexchange telecommunications services including 1+ direct dial, 800/888/877, Directory Assistance, operator services, private line and Travel card services.

In its Memorandum filed on December 14, 1998 the Staff of the Missouri Public Service Commission (Staff) recommended that the Commission grant CassTel 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 December 23.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and CassTel should be granted a certificate of service authority. The Commission finds that the services CassTel proposes to offer are competitive and CassTel 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 CassTel's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated inter-exchange carriers. The Commission finds that the proposed tariff filed on October 26 shall be approved as amended to become effective on December 23, 1998.

IT IS THEREFORE ORDERED:

1. That LEC Long Distance, Inc., d/b/a CassTel Long Distance, 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 LEC Long Distance, Inc., d/b/a CassTel Long Distance, 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

3. That the tariff filed by LEC Long Distance, Inc. d/b/a CassTel Long Distance, on October 26, 1998, is approved as amended to become effective on December 23, 1998. The tariff approved is:

PSC Mo. No. 1

- 4. That this order shall become effective on December 23, 1998.
- 5. That this case shall be closed on December 30, 1998.

BY THE COMMISSION



**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

(S E A L)

Anji Gandhi, 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 17th day of December, 1998.