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**BEFORE THE PUBLIC SERVICE COMMISSION**

**OF THE STATE OF MISSOURI**

In the Matter of the Application of       )  
NET-tel Corporation d/b/a NET-tel       )  
Communications Corporation for a       )  
Certificate of Authority to Provide       )  
Competitive Intrastate Interexchange       )  
Telecommunications Services.       )

Case No. TA-98-394

**ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY AND**  
**ORDER APPROVING TARIFF**

NET-tel Corporation d/b/a NET-tel Communications Corporation (NET-tel) applied to the Public Service Commission on March 18, 1998, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under § 392.440, RSMo 1994<sup>1</sup>. NET-tel asked the Commission to classify it as a competitive company and waive certain statutes and rules as authorized by §§ 392.361 and 392.420. Applicant is a Florida corporation, with its principal office located at 11921 Freedom Drive, Suite 550, Reston, Virginia 20190.

The Commission issued a Notice of Applications and Opportunity to Intervene on March 24, directing parties wishing to intervene to file their requests by April 8. 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

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

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

NET-tel filed a proposed tariff in conjunction with its application and filed substitute sheets on April 20 and April 23. The tariff's effective date was originally May 4, but was subsequently extended to May 18. NET-tel's tariff describes the rates, rules, and regulations it intends to use, identifies NET-tel as a competitive company, and lists the waivers requested. NET-tel intends to provide interexchange telecommunications services including 1+ direct dial, 800 number services, and travel card services.

In its Memorandum filed on May 4, 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 May 18.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Applicant should be granted a certificate of service authority. The Commission finds that the services Applicant proposes to offer are competitive and Applicant 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 NET-tel'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 18 shall be approved as amended to become effective on May 18.

**IT IS THEREFORE ORDERED:**

1. That NET-tel Corporation d/b/a NET-tel Communications Corporation 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 NET-tel Corporation d/b/a NET-tel Communications Corporation 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 NET-tel Corporation d/b/a NET-tel Communications Corporation on March 18, 1998, is approved as amended to become effective on May 18, 1998. The tariff approved is:

**P.S.C. Mo. No. 1**

4. That this order shall become effective on May 18, 1998.
5. That this case shall be closed on May 29, 1998.

BY THE COMMISSION



Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

(S E A L)

Elaine E. Bensavage, 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 7th day of May, 1998.

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COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION