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BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of Southwest)
Fiber Communications, Inc., for a Certificate of)
Authority to Provide Interexchange and) Case No. TA-98-550
Nonswitched Local Telecommunications Services)
Within the State of Missouri.)
)

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

Southwest Fiber Communications, Inc. (Southwest Fiber) applied to the Public Service Commission on June 8, 1998, for a certificate of service authority to provide intrastate interexchange and nonswitched local exchange telecommunications services in Missouri under Section 392.410-.450, RSMo 1994 and RSMo Supp. 1997.¹ Southwest Fiber 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. Southwest Fiber is a Missouri corporation, with its principal office located at 1023 South Springfield, Bolivar, Missouri 65613.

The Commission issued a Notice of Applications and Opportunity to Intervene on June 16, directing parties wishing to intervene to file their requests by July 1. 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

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

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

Southwest Fiber filed a proposed tariff in conjunction with its application with an effective date of August 1. Southwest Fiber's tariff describes the rates, rules, and regulations it intends to use, identifies Southwest Fiber as a competitive company, and lists the waivers requested. Southwest Fiber intends to provide interexchange and nonswitched local exchange telecommunications services including private line services.

In its Memorandum filed on July 20, the Staff of the Commission stated that Southwest Fiber's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant Southwest Fiber a certificate of interexchange service authority and a certificate of service authority for local exchange telecommunication service on condition that this authority be restricted to providing dedicated, nonswitched local exchange private line services. Staff recommended that the Commission grant Southwest Fiber competitive status and waiver of the statutes and rules listed in the Notice. Staff recommended that the Commission approve the proposed tariff to become effective on August 1.

The Commission finds that competition in the intrastate interexchange and nonswitched local exchange telecommunications markets is in the public interest and Southwest Fiber should be granted certificates of service authority. The Commission finds that the services Southwest Fiber proposes to offer are competitive and Southwest Fiber 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 Southwest Fiber's proposed tariff details the service, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated interexchange and local exchange carriers. The Commission finds that the proposed tariff filed on June 8 should be approved to become effective on August 1.

IT IS THEREFORE ORDERED:

1. That Southwest Fiber Communications, 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 Southwest Fiber Communications, 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 Southwest Fiber Communications, 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 Southwest Fiber Communications, Inc. on June 8, 1998, is approved to become effective on August 1, 1998. The tariff approved is:

P.S.C. Mo. No. 1

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

BY THE COMMISSION

Dale Hardy Roberts

(S E A L)

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Nancy Dippell, 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 31st day of July, 1998.

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**COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION**