

B✓
cm

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office
in Jefferson City on the 23rd
day of December, 1997.

In the Matter of the Application of Vista Group)
International, Inc. for a Certificate of Service)
Authority to Provide Competitive Interexchange)
Telecommunications Services, to be Classified as) **Case No. TA-98-196**
a Competitive Telecommunications Company)
Sections 392.410 and 392.361, RSMo), and for)
Approval of Its Initial Tariff.)
)

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE
AUTHORITY AND ORDER APPROVING TARIFF

Vista Group International, Inc. (Vista Group) applied to the Public Service Commission on November 10, 1997, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994¹. Vista Group 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. Vista Group is an Ohio corporation, with its principal office located at 821 Westpoint Parkway, Suite 920, Westlake, Ohio 44145.

The Commission issued a Notice of Applications and Opportunity to Intervene on November 25, directing parties wishing to intervene to file their requests by December 10. 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.

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

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.

Vista Group filed a proposed tariff in conjunction with its application and filed substitute sheets on December 15 and 17. The tariff's effective date is January 2, 1998. Vista Group's tariff describes the rates, rules, and regulations it intends to use, identifies Vista Group as a competitive company, and lists the waivers requested. Vista Group intends to provide interexchange telecommunications services including 1+ direct dial, 800/888/877 number, and travel card services.

In its Memorandum filed on December 22 the Staff of the Commission stated that Vista Group's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant Vista Group 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 January 2, 1998.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Vista Group should be granted a certificate of service authority. The Commission finds that the services Vista Group proposes to offer are competitive and Vista Group 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 determines, by authority of Section 392.470, that Vista Group should comply with the following regulatory requirements as reasonable and necessary conditions of certification:

- (1) Vista Group must comply with reasonable requests by Staff for financial and operating data to allow Staff to monitor the intraLATA toll market. § 386.320.3.
- (2) Vista Group must file tariffs containing rules and regulations applicable to customers, a description of the services provided, and a list of rates associated with those services in accordance with 4 CSR 240-30.010 and Section 392.220, RSMo Supp. 1996.
- (3) Vista Group may not unjustly discriminate between its customers. §§ 392.200, RSMo Supp. 1996, 392.400.
- (4) Vista Group must comply with all applicable rules of the Commission except those specifically waived by this order. §§ 386.570, 392.360.
- (5) Vista Group must file a Missouri-specific annual report. §§ 392.210, 392.390.1.
- (6) Vista Group must comply with jurisdictional reporting requirements as set out in each local exchange company's access services tariffs. § 392.390.3.
- (7) Vista Group must submit to the Staff, on a confidential basis, a copy of the jurisdictional report it submits to local exchange companies. The report must be submitted within ten days of the date on which it is submitted to the local exchange company.

The Commission finds that Vista Group'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 November 10 shall be approved as amended to become effective on January 2, 1998.

IT IS THEREFORE ORDERED:

1. That Vista Group International, 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 Vista Group International, Inc. is classified as a competitive telecommunications company. 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. 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 Vista Group International, Inc. on November 10, 1997, is approved as amended to become effective on January 2, 1998. The tariff approved is:

P.S.C. Mo. No. 1

4. That this order shall become effective on January 2, 1998.
5. That this case shall be closed on January 3, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Crumpton, Drainer
and Murray, CC., concur.

Wickliffe, Deputy Chief Regulatory Law Judge