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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In re: Application of GE Capital-)
ResCom, L.P. for certificate of)
service authority to provide shared) Case No. TA-95-125
tenant services within the state)
of Missouri.)

ORDER AND NOTICE

On October 13, 1994, GE Capital-ResCom L.P. (Applicant) filed an application with the Commission seeking authority to provide private shared tenant services (STS) in the area of Kansas City, St. Louis, Maryland Heights, Florissant, St. Peters, O'Fallon, and St. Charles, Missouri. The application specifically requests waiver of the "single building or less" requirement for eleven (11) locations.

This application is filed pursuant to Section 392.410, RSMo Supp. 1993, providing that no telecommunications company not exempt from that subsection shall transact any business in this state until it shall have obtained a certificate of service authority.

Pursuant to Section 392.520, RSMo Supp. 1993, STS telecommunications services shall be subject to the minimum regulation permitted by Chapter 392 for competitive telecommunications services. Section 392.520 further provides that the Commission shall exempt STS telecommunications services from even those tariff filing requirements applicable to other competitive telecommunications services. In addition, the Commission has established certain guidelines for the provision of STS in cases TO-86-53 and TA-93-113, et al.

Section 392.530(6), RSMo Supp. 1993, states that the provisions of Chapter 392 shall be construed to, "Allow full and fair competition to function

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as a substitute for regulation when consistent with the protection of ratepayers and otherwise consistent with the public interest."

Given the policy mandate of Chapter 392 that STS providers be treated as competitive telecommunications companies, the Commission concludes that the requirements for the granting of a certificate may be met by a verified application for a certificate to provide STS, if the application meets the conditions established in Cases No. TO-86-53 and TA-93-113, et al., and such certificate may be granted based on a verified application unless a hearing is requested by a proper party.

Proper parties shall be defined as any party filing a request for intervention which sets forth the specific grounds upon which it is alleged that the granting of the application is not in the public interest. Any such request should be submitted to the Executive Secretary of the Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri 65102, and copies sent to:

Harvey M. Tettlebaum
235 East High Street, Suite 300
P.O. Box 1251
Jefferson City, MO 65102

The Executive Secretary of the Commission shall send a copy of this order to the telephone company rendering local exchange service to any location covered by this application.

In the event no proper party requests permission to intervene on or before November 21, 1994, and neither the Commission's Staff nor the Office of the Public Counsel requests a hearing after completion of the Staff investigation, the Commission may grant the certificate of service authority requested herein on the basis of the verified application. **State ex rel. Rex**

Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496
(Mo. App. 1989).

IT IS THEREFORE ORDERED:

1. That any interested party wishing to intervene in Case No. TA-95-125 shall notify the Executive Secretary of the Missouri Public Service Commission and the aforementioned party on or before November 21, 1994, and that said request for intervention should specifically set out the grounds upon which it is alleged that the granting of this application is not in the public interest or does not comply with the conditions established for STS in Cases No. TO-86-53 and TA-93-113, et al.

2. That the Executive Secretary of the Commission be hereby directed to send notice as herein stated, including but not limited to, Southwestern Bell Telephone Company and GTE Midwest Incorporated.

3. That the Applicant shall submit as a part of this application the information prescribed by 4 CSR 240-2.060(1) and (2) with the exception of 4 CSR 240-2.060(2) .7, .9, .11 and .13.

4. That this Order shall become effective on the date hereof.

BY THE COMMISSION



David Rauch
Executive Secretary

(S E A L)

Dale Hardy Roberts, Deputy Chief
Hearing Examiner, by delegation of
authority under Commission Directive
of August 16, 1994, pursuant to
Section 386.240, RSMo 1986.

Dated at Jefferson City, Missouri, on
this 21st day of October, 1994.