

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 28th
day of November, 1995.

In the matter of the Application)
of Overlook Communications)
International Corporation for a) CASE NO. TA-96-101
Certificate of Service to)
Provide Intrastate Telecommuni-)
cations Services within Missouri)

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY AND
ORDER APPROVING TARIFF

Overlook Communications International Corp. (Overlook) applied to the Public Service Commission on September 28, 1995, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under § 392.440 RSMo 1994¹. Overlook 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 North Carolina corporation, with its principal office at 2839 Paces Ferry Road, Suite 500, Atlanta, Georgia 30339.

The Commission issued a Notice and Schedule of Applicants on October 3, 1995, directing parties wishing to intervene in the case to do so by October 18, 1995. Since no one requested a hearing or permission to intervene, the Commission determines that no hearing is necessary. State

¹All statutory references are to Revised Statutes of Missouri 1994.

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

Overlook filed a proposed tariff on October 20, 1995, with an effective date of November 20, 1995. On November 1, 1995, Overlook extended the effective date of the proposed tariff to November 30, 1995. Overlook's tariff describes the rates, rules, and regulations it intends to use, identifies Overlook as a competitive company, and lists the waivers requested. Overlook intends to provide interexchange telecommunications services including 1+, 800, WATS, and debit card services.

In its Memorandum filed November 15, 1995, the Staff of the Commission stated that Applicant's proposed services are the same or equivalent to those classified as competitive in Case No. TO-88-142, *In re the investigation for the purpose of determining the classification of the services provided by interexchange telecommunications companies within the State of Missouri*, 30 Mo. P.S.C. (N.S.) 16 (September 1989). 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, effective November 30, 1995.

Overlook's application also sought waiver of rate case requirements, 4 CSR 240-32.060(5). Staff indicates that 4 CSR 240-32.060(5) refers to selective ringing, not rate case requirements, and is a typographical error. Staff confirmed that the reference was intended to refer to 4 CSR 240-30.060(5), which deals with minimum filing requirements

for rate cases. However, 4 CSR 240-30.060(5) has been rescinded, and thus a waiver thereof is unnecessary. Staff also indicates that Overlook's tariff lists the correct waivers, and does not list either 4 CSR 240-32.060(5) or 4 CSR 240-30.060(5).

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 is of the opinion 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 § 392.470, that Applicant should comply with the following regulatory requirements as reasonable and necessary conditions of certification:

- (1) Applicant 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) Applicant 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 § 392.220.
- (3) Applicant may not unjustly discriminate between its customers. §§ 392.200, 392.400.

- (4) Applicant must comply with all applicable rules of the Commission except those specifically waived by this order.
§§ 386.570, 392.360.
- (5) Applicant must file a Missouri-specific annual report.
§§ 392.210, 392.390.1.
- (6) Applicant must comply with jurisdictional reporting requirements as set out in each local exchange company's access services tariffs. § 392.390.3.
- (7) Applicant 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 (10) days of the date on which it is submitted to the local exchange company.

The Commission finds that Overlook'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 October 20, 1995, should be approved, effective November 30, 1995.

IT IS THEREFORE ORDERED:

1. That Overlook Communications International Corp. be 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 Overlook Communications International Corp. be 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
- 392.330 - issuance of securities, debts and notes
- 392.340 - reorganization(s)

Commission Rules

- 4 CSR 240-10.020 - depreciation fund income
- 4 CSR 240-30.010(2) (C) - rate schedules
- 4 CSR 240-30.040(1) - Uniform System of Accounts
- 4 CSR 240-30.040(2) - Uniform System of Accounts
- 4 CSR 240-30.040(3) - Uniform System of Accounts
- 4 CSR 240-30.040(5) - Uniform System of Accounts
- 4 CSR 240-30.040(6) - 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 fee

3. That the tariff filed by Overlook Communications International Corp. on October 20, 1995, be approved, effective November 30, 1995. The tariff approved is:

P.S.C. Mo. No. 1

4. That this order shall become effective on November 30,
1995.

BY THE COMMISSION

A handwritten signature in cursive script, reading "David L. Rauch".

(SEAL)

David Rauch
Executive Secretary

McClure, Kincheloe, and Drainer,
CC., Concur.
Mueller, Chm., Crumpton, Absent