

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 26th
day of June, 1996.

In the Matter of the Application of)	
Ameritech Communications Inter-)	
national, Inc. for Certificates of)	
Service Authority to Provide and/or)	
Resell Interexchange Telecommunica-)	
tions Services, Local Exchange)	CASE NO. TA-96-389
Private Line Intrastate Telecommuni-)	
cations Services, and Other Tele-)	
communications Services Throughout)	
the State of Missouri and for Classi-)	
fication of Such Services as)	
Competitive Telecommunications)	
Services.)	

ORDER APPROVING INTEREXCHANGE AND LOCAL EXCHANGE CERTIFICATES OF
SERVICE AUTHORITY AND ORDER APPROVING TARIFF

Ameritech Communications International, Inc. (Ameritech) applied to the Public Service Commission on May 13, 1996, for a certificate of service authority to provide intrastate interexchange and local exchange telecommunications services in Missouri under § 392.410 - .450 RSMo 1994¹. Ameritech 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 Delaware corporation, with its principal office at 9525 W. Bryn Mawr, Suite 600, Rosemont, Illinois 60018.

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

The Commission issued a Notice of Applications and Opportunity to Intervene on May 14, 1996, directing parties wishing to intervene in the case to do so by May 29, 1996. Since no one requested a hearing or permission to intervene, the Commission determines that no hearing is necessary. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo.App. 1989).

Ameritech filed a proposed tariff to provide interexchange service at the time of its application, on May 13, 1996, and filed substitute sheets on June 11, 1996. The tariff's effective date is June 28, 1996. Ameritech's tariff describes the rates, rules, and regulations it intends to use, identifies Ameritech as a competitive company, and lists the waivers requested. Ameritech intends to provide interexchange telecommunications services including 1+, 800, operator, debit card, and calling card services. However, Ameritech did not file a tariff to provide local exchange services.

In its Memorandum filed June 19, 1996, 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 interexchange service authority. In addition, Staff recommended that the Commission grant Applicant competitive status, and waiver of the statutes

and rules listed in the Notice. Staff recommended that the Commission approve the tariff as amended, effective June 28, 1996. However, Staff did not recommend granting a certificate of local exchange service authority.

The Commission has reviewed the entirety of the casefile in this proceeding, and finds as follows. 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 Ameritech'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 May 13, 1996, and amended on June 11, 1996, should be approved, effective June 28, 1996.

In addition, the Commission also notes that Ameritech's application originally requested certificates of service authority to provide both intrastate interexchange and local exchange services as

limited, and the Commission's Notice disclosed those requests. However, Ameritech's tariff does not reflect the provision of dedicated, non-switched local exchange private line services. Staff's memorandum recommends that Ameritech be granted a certificate to provide interexchange telecommunications services, but does not address the question of whether Ameritech should also be granted a certificate to provide local exchange telecommunications services, which the Commission generally restricts to dedicated, non-switched private line services, in the absence of tariff provisions which describe those services.

A review of the casefile indicates that Ameritech has not withdrawn its request for a local exchange certificate as limited, thus the request is still before the Commission. The Commission finds that even if a local exchange certificate were granted to Ameritech, the company could not offer dedicated, non-switched private line services in the state of Missouri until such time as it submits and the Commission approves a tariff describing those services, since § 392.480.1 requires all telecommunications services to be offered under tariff. In addition, § 392.410.5 provides that unless the authority conferred by a certificate of service authority is exercised within a period of one year from the issuance thereof, the authority shall be null and void. Thus if Ameritech does not obtain a Commission-approved tariff and begin offering dedicated, non-switched local exchange private line services within a year from the issuance of this order, its certificate will essentially become null and void. The Commission finds that administrative

efficiency would be enhanced by granting a local exchange certificate to Ameritech, and that the statutory provisions cited above will help ensure that Ameritech will timely file appropriate tariffs in the event it is interested in providing local exchange services within Missouri.

The Commission further finds that there is competition in the market for the provision of dedicated, non-switched local exchange private line services, and that it is in the public interest to grant Ameritech a certificate for the provision of those services, subject to the caveat that no such services be provided to the public until such time as a tariff for those services has been submitted and approved by the Commission.

IT IS THEREFORE ORDERED:

1. That Ameritech Communications International, Inc. 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 Ameritech Communications International, Inc. be granted a certificate of service authority to provide local exchange telecommunications services in the state of Missouri limited to providing dedicated, non-switched local exchange private line services, subject to the conditions of certification set out above. These services may not be offered in the state of Missouri until such time as Ameritech Communications International, Inc. submits to the Commission tariffs reflecting the provision of these services, and the Commission has

approved the tariffs. If Ameritech Communications International, Inc. does not obtain Commission-approved tariffs and commence offering these services within one year from the issuance of this order, the authority conferred by this certificate of service authority shall become null and void.

3. That Ameritech Communications International, Inc. 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

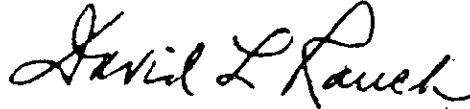
- 4 CSR 240-10.020 - depreciation fund income
- 4 CSR 240-30.010(2)(C) - rate schedules
- 4 CSR 240-30.040(1) - Uniform System of Accounts
- 4 CSR 240-30.040(2) - Uniform System of Accounts
- 4 CSR 240-30.040(3) - Uniform System of Accounts
- 4 CSR 240-30.040(5) - Uniform System of Accounts
- 4 CSR 240-30.040(6)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

4. That the tariff filed by Ameritech Communications International, Inc. on May 13, 1996, be approved as amended, effective June 28, 1996. The tariff approved is:

P.S.C. Mo. No. 1

5. That this order shall become effective on June 28, 1996.

BY THE COMMISSION



(SEAL)

David Rauch
Executive Secretary

Zobrist, Chm., Kincheloe, and
Drainer, CC., Concur.
McClure, Crumpton, CC., Dissent

ALJ: Bensavage