

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the matter of the application of Fiber Four )  
Corporation for a certificate of service au- )  
thority to provide intrastate interexchange ) CASE NO. TA-96-153  
telecommunications services to the public )  
within the state of Missouri. )

ORDER CANCELING EARLY PREHEARING CONFERENCE AND CLOSING CASE

On November 14, 1995, Fiber Four Corporation (Fiber Four) filed an application for a certificate of service authority to provide intrastate interexchange telecommunications services pursuant to Chapter 392 of the Missouri Revised Statutes. Fiber Four is a wholly-owned subsidiary of Rock Port Telephone Company (Rock Port). On November 21, 1995, the Missouri Public Service Commission (Commission) issued an order and notice, giving notice of the application, and setting an intervention deadline of December 6, 1995. On December 6, 1995, Southwestern Bell Telephone Company (SWBT), and United Telephone Company of Missouri (United) separately filed applications to intervene. In its response to the intervention requests, Fiber Four explained that it was seeking certification so that it could provide Distance Learning and Telemedicine capabilities to schools and school districts and hospitals and health care providers in rural areas of northwest Missouri, including the Fairfax, Tarkio, and Rock Port schools, and possibly Northwest State University.

On December 29, 1995, the Commission issued its Order Granting Interventions And Setting Early Prehearing Conference. In its order, the Commission stated that "...a number of factual issues have been raised which cannot be decided by the Commission with any confidence on the basis of the pleadings alone. The issues raised also affect the propriety of the attempted interventions by SWBT and United. Under the circumstances, the

Commission is of the opinion that it would be more appropriate to grant intervention status to SWBT and United, and to set an early prehearing conference to allow the parties an opportunity to settle the unresolved issues herein, or to present the Commission with a proposed procedural schedule."

On January 5, 1996, Fiber Four filed a Notice Of Dismissal Of Application. Fiber Four states that it was under the impression that applications for interexchange authority are routinely granted by the Commission, and that it would be able to obtain a certificate with relatively little delay and at very little expense. Fiber Four claims that the project is marginal at best, and was undertaken solely for the purpose of providing a valuable and needed public service to the schools and health care providers in northwest Missouri as evidence of its commitment to economic development in the area. Thus, Fiber Four contends that it has already expended more money in pursuing this application than can be economically justified under its proposed rates, and, as a result, Fiber Four is compelled to withdraw its application in this matter.

Pursuant to 4 CSR 240-2.116(1), an applicant may voluntarily dismiss an application without an order of the Commission at any time before prepared testimony has been filed or oral evidence has been offered, by filing a notice of dismissal with the Commission and serving a copy on all parties. Thus, this case has been dismissed by virtue of Fiber Four's filing of its notice of dismissal. The Commission is of the opinion that it is reasonable and appropriate to issue an order formally canceling the early prehearing conference scheduled for January 19, 1996, and closing this docket.

IT IS THEREFORE ORDERED:

1. That the early prehearing conference scheduled for January 19, 1996 is hereby canceled.
2. That this case is hereby dismissed pursuant to 4 CSR 240-2.116.
3. That this docket is hereby closed.
4. That this Order shall become effective on the date hereof.

BY THE COMMISSION



David L. Rauch  
Executive Secretary

(S E A L)

Elaine E. Bensavage, Administrative Law Judge,  
by delegation of authority under Commission  
Directive of January 3, 1995, pursuant to  
Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,  
on this 16th day of January, 1996.