

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 9th
day of April, 1993.

In the matter of the application of)
Tel-Save, Inc. for a certificate of)
service authority to provide interexchange) Case No. TA-92-308
telecommunications services in the state)
of Missouri, and for classification as a)
competitive telecommunications company.)

ORDER GRANTING LEAVE TO FILE TARIFF OUT OF TIME
AND
ORDER APPROVING TARIFF

On November 6, 1992, Tel-Save, Inc. (Tel-Save or Applicant) was granted a certificate of service authority to provide intrastate interexchange telecommunication services in Missouri. This certificate of service authority was ordered not to become effective until the Commission approved the Applicant's tariff. Applicant was further ordered to file a proposed tariff within thirty (30) days.

On March 9, 1993, the Commission issued an ORDER TO SHOW CAUSE in which it notified Tel-Save that it had not complied with the Commission's order of November 6, 1992. The Order to Show Cause was directed at discovering whether or not Tel-Save was providing competitive intrastate interexchange telecommunication services in the state of Missouri without a valid certificate and without an approved tariff. The order directed the Missouri Public Service Commission Staff (Staff) to investigate the services being offered by Tel-Save to determine whether or not it appeared that Tel-Save was in violation of the November 6, 1992 Report and Order. The Order to Show Cause directed Tel-Save to respond within thirty (30) days and to state whether or not it was providing intrastate interexchange telecommunication services without a valid certificate and without an approved tariff or in the alternative to show cause why the

Commission should not rescind its order of November 6, 1992, and/or seek penalties pursuant to Section 386.570 of the Missouri Statutes.

On March 12, 1993, Tel-Save filed its tariff in which it proposed to offer "1+" long distance services. On March 25, 1993, Tel-Save filed its response to the Order to Show Cause and attached to it the affidavit of its regulatory liaison in support of the response. Tel-Save's response suggests that its failure to comply with the Report and Order was not willful but due to inadvertence and further states that Tel-Save was not aware of its noncompliance until it was brought to its attention by the Commission Staff. The affidavit of Tel-Save's regulatory liaison indicates that the failure to comply was the result of inadvertence which was caused as a result of employee turnover and that Tel-Save has taken steps to correct the problem which caused this delay and to ensure a timely response will be made to any future orders or requirements of the Missouri Public Service Commission. Tel-Save also stated that it was not providing and had not provided telecommunication services to Missouri customers for which it was not yet certificated or for which it did not have an approved tariff.

On April 5, 1993, the Staff filed its Memorandum and also its response to the Commission's order to investigate the circumstances herein. The Staff has indicated that it contacted Missouri's three (3) largest local exchange companies (LECs) in an attempt to determine whether Tel-Save was currently purchasing access services from them in order to provide telecommunication services to Missouri customers. None of the LECs contacted had any record of Tel-Save subscribing to or purchasing any such services. Based upon this and other information, the Staff indicated its belief that Tel-Save has not provided intrastate interexchange telecommunication services in the state of Missouri without a valid certificate and without an approved tariff. The Staff further recommended the approval of Tel-Save's tariff and indicated that the tariff is

within the scope of the certificate of authority which has been conditionally granted pending approval of the tariff. The Staff has indicated that the tariff which has now been filed reflects the statutory and regulatory requirements which were waived by the Commission.

Having considered the Applicant's tariff and the Staff's recommendation, the Commission finds that the proposed tariff details services, equipment and pricing offered to all potential customers, and that the tariff is similar to the approved tariffs for other Missouri certificated interexchange carriers that provide similar services. The Commission has also found that the tariff sheets filed by the Applicant on March 12, 1993, comply with the Commission's order and should be approved for service on and after April 12, 1993.

Having considered Tel-Save's response and the Staff's report regarding their investigation as to whether or not Tel-Save has been providing intrastate interexchange telecommunication services without a valid certificate and without an approved tariff, the Commission finds that Tel-Save has not done so and for that reason the Commission finds no further action will be required in order to show cause. Further, the Commission finds that it is in the public interest to accept the tariff filing out of time and to excuse the inadvertent noncompliance on the part of Tel-Save.

IT IS THEREFORE ORDERED:

1. That the tariff sheets filed by Tel-Save, Inc. on March 12, 1993 are hereby approved for service on and after April 12, 1993:

P.S.C. Mo. No. 1

Sheet(s) 1-20

2. That Tel-Save, Inc.'s failure to comply with the Commission order of November 6, 1992 was due to excusable inadvertence on the part of Tel-Save,

Inc. and no further action shall be taken on the Commission's Order to Show Cause.

3. This order shall become effective on April 12, 1993.

BY THE COMMISSION

Brent Stewart

Brent Stewart
Executive Secretary

(S E A L)

McClure, Chm., Mueller, Rauch
and Kincheloe, CC., Concur.
Perkins, C., Absent.