

MEMORANDUM

FILED

JUL 28 1999

To: Missouri Public Service Commission Official Case File
Tariff File No. 2000048 Case No. TA-2000-24
Fiber Four Corporation d/b/a Holway Long Distance

From: William Voight *BV*
Telecommunications Department

Missouri Public
Service Commission

[Signature] for W.H. 7/28/99
Utility Operations Division/Date

Wm K Haase 7/28/99
General Counsel's Office/Date

Subject: Staff Recommendation, to Grant Temporary Certificate of Service Authority, to Approve Tariff and to Expedite Determination of Granting of Final Certificate of Service Authority.

Date: July 28, 1999

On April 22, 1999, Holway Telephone Company (HTC) filed its petition with the Missouri Public Service Commission (Commission) seeking approval of its proposed intraLATA dialing parity (ILDLP) plan. The Commission assigned the petition Case No. TO-99-508. In the petition HTC stated that Fiber Four Corporation (FFC) was an affiliate of HTC and proposed to send customers notice that the default intraLATA toll carrier would be FFC in the event the customer failed to select an intraLATA toll carrier. In a footnote HTC stated that the Commission had approved certification for FFC in Case No. TA-96-376. However, FFC's tariff does not encompass intraLATA toll carrier services. After hearing, the Commission in its Order dated June 10, 1999, approved, after modifications, the ILDP plan filed by HTC. One modification was to alter the customer notice to state that the default intraLATA toll carrier would be an HTC affiliate. In that order the Commission also extended the intraLATA dialing parity date from July 22, 1999 to August 1, 1999, in part based on HTC's representations that the "delay [was] necessary to ensure that the transition from the PTC [(primary toll carrier)] to its IXC [(interexchange carrier)] is as seamless as possible for customers" and that "without the delay, its IXC affiliate might not be able to complete the transition with existing resources and staff."

On June 25, 1999, FFC filed an intrastate long distance message telecommunication service (toll) tariff with the Commission proposing differing rates based upon the local exchanges where the service was to be provided. Included with the tariff were certified copies of fictitious name registrations, each filed with the Missouri Secretary of State on June 25, 1999, for FFC doing business as "Rock Port Long Distance," "Holway Long Distance," "KLM Long Distance," and "IAMO Long Distance." The tariff as submitted bore an issue date of June 25, 1999 and an effective date July 26, 1999. These d/b/a's correspond to the names of local exchanges companies which also filed ILDP plans as follows: Holway Telephone Company, Case No. TO-99-508; IAMO Telephone Company, Case No. TO-99-509; KLM Telephone Company, Case No. TO-99-511.

The Commission's Records Personnel informed FFC of its intention, based upon the Commission's June 21, 1996, Order in GTE Card Services Incorporated d/b/a GTE Long Distance, Case No. TO-96-381, that they were not accepting the tariff because it proposed service under multiple fictitious names. On July 2, 1999, FFC submitted a Motion to Reinstate and Approve Tariff Filing for an Interim Period of Time (Case No. TO-2000-5). That Motion included the proposed tariff which listed Fiber Four with four different fictitious names, one of them being Holway Long Distance. On July 16, 1999, the Telecommunications Department Staff (Staff) filed its recommendation to reject the filing. On July 19, 1999, Fiber Four filed a Motion to Withdraw its Filing and then on July 21, 1999, the Commission issued its Notice Closing Case.

On July 15, 1999, Fiber Four Corporation d/b/a Holway Long Distance (FFC-HLD), initiated the present case by filing an application for certificate of service authority to provide interexchange and local exchange telecommunications services. FFC-HLD also filed a Motion to Expedite Tariff Approval or to Grant Interim Authority and Approval. The Staff has reviewed the application and proposed tariff and files this recommendation. FFC-HLD proposes to offer switched long distance, toll-free, calling card, operator, directory assistance, and dedicated interexchange digital private line services. According to the application, FFC-HLD proposes to offer services "throughout the State of Missouri". However, FFC-HLD will initially offer services only to the local exchange customers of Holway Telephone Company (HTC). Those exchanges include Maitland and Skidmore. FFC-HLD requests classification as a competitive company. FFC-HLD's requested waivers have all been previously granted to other competitive companies. On July 27, 1999, the Commission issued an Order and Notice setting an intervention deadline of August 11, 1999. On July 28, 1999 the Commission issued an Order directing the Staff to file its recommendation by July 28, 1999.

FFC-HLD requests that its proposed tariff become effective on August 30, 1999, because HTC is in the process of implementing its intraLATA dialing parity plan. HTC's plan calls for the implementation of intraLATA dialing parity in the exchanges served by HTC on August 1, 1999. Those customers who do not affirmatively select an intraLATA toll provider by August 1, 1999 will be assigned to HTC's affiliated long distance company, FFC-HLD.

HTC filed its Petition for Approval of an IntraLATA Dialing Parity Plan on April 22, 1999. The Commission issued its Report and Order to approve HTC's intraLATA dialing parity plan on June 10, 1999. Had FFC-HLD filed its application when HTC filed its ILDP plan or even when the Commission approved HTC's ILDP plan, it should not now be in the position of needing expedited approval. If the Commission does not approve FFC-HLD's application and tariff prior to August 1, 1999, HTC customers who have not selected a primary intraLATA toll carrier (PIC) may be without "1+" intraLATA toll service. This fact is the primary reason Staff recommends issuance of a Temporary Certificate of Service Authority as the Commission is authorized to do by §392.410.6, RSMo. Supp. 1998. This statute provides:

The commission may issue a temporary certificate which shall remain in force not to exceed one year to assure maintenance of adequate service or to serve particular customers, without notice and hearing, pending the determination of an application for a certificate.

Staff has reviewed the proposed tariff and finds that it has some minor deficiencies; however, Staff believes the tariff can be approved for this temporary time period. Staff recommends the Commission issue an order to immediately grant FFC-HLD a temporary certificate of service authority to provide interexchange and local exchange telecommunications services for a period that shall terminate on the earlier of the effective date of the Commission's final order ruling on the application for certificate of service authority or the one year anniversary of the granting of the certificate of temporary authority. Staff has no objections to the applicant's request for competitive classification and requests for waiver of certain Missouri statutes and Commission rules. Staff anticipates making a subsequent recommendation to the Commission to address lifting the temporary nature of the applicant's certificate. During the interim period, Staff will work with the company to resolve the minor tariff deficiencies.

The Staff also recommends the Commission approve the following tariff sheets:

Fiber Four Corporation d/b/a Holway Long Distance PSC Mo. No. 3
Original Sheets 1-45

The Staff is aware of three other filings submitted by Fiber Four Corporation on July 15, 1999. Those include similar applications for certificates of service authority for Fiber Four Corporation d/b/a KLM Long Distance (Case No. TA-2000-23), Fiber Four Corporation d/b/a Iamo Long Distance (Case NO. TA-2000-25), and . Fiber Four Corporation d/b/a Rock Port Long Distance (Case No. TA-2000-27). In both the Fiber Four Corporation d/b/a Iamo Long Distance (Case No. TA-2000-25 and Fiber Four Corporation d/b/a Rock Port Long Distance (Case No. TA-2000-27) cases there are similar Motions to Expedite Tariff Approval or to Grant Interim Authority and Approval.

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