



Missouri Public Service Commission

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February 24, 2000

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Director, Utility Operations
ROBERT SCHALLENBERG
Director, Utility Services
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Director, Administration
DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge
DANA K. JOYCE
General Counsel

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

RE: Case No. TA-2000-459

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and fourteen (14) conformed copies of a **STAFF RECOMMENDATION**.

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

Nathan Williams
Assistant General Counsel
(573) 751-8702
(573) 751-9285 (Fax)

NW/lb
Enclosure
cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

FEB 24 2000

Missouri Public
Service Commission

In the Matter of the Application of ACN)
Communication Services, Inc. for a)
Certificate of Service Authority to provide)
Interexchange Telecommunications)
Services in the State of Missouri and to)
Classify Said Services and the Company)
as Competitive)
)

Case No. TA-2000-459

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its recommendation states:

1. In the attached Memorandum, which is labeled Appendix A, the Staff recommends that the Missouri Public Service Commission ("Commission") grant ACN Communication Services, Inc. (Applicant) a certificate to provide interexchange telecommunications services. The Commission shall grant an application for a certificate of telecommunications service authority upon a finding that the grant of authority is in the public interest. (See §§ 392.430 and 392.440, RSMo 1994).

2. Staff also recommends that the Commission classify the Applicant and its services as competitive. The Commission may classify a telecommunications provider or its services as competitive if the Commission determines it is subject to sufficient competition to justify a lesser degree of regulation. (See §392.361.2 RSMo 1994). All the services a competitive company provides must be classified as competitive. (See §392.361.3 RSMo 1994).

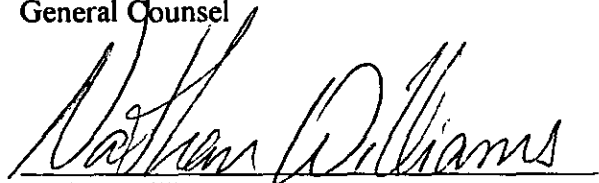
3. Staff further recommends that the Commission approve the waivers listed in the Notice of Application plus the two additional statutes listed in the application and tariff—Sections 392.210.2 and 392.300.2, RSMo. These waivers have been granted to other carriers in the past. The Commission may waive the application of its rules and certain statutes if the Commission determines that waiver is consistent with the purposes of Chapter 392 RSMo. (See §§ 392.361.3 and 392.420 RSMo 1994 and § 392.185 RSMo Supp. 1999).

4. At Staff's request, the Applicant filed substitute tariff sheets on February 18, 2000, adding tariff language.

WHEREFORE, the Staff recommends that the Commission grant ACN Communication Services, Inc. a certificate to provide interexchange telecommunications services, grant Applicant competitive classification, approve Applicant's proposed tariff, PSC MO No. 1 with a proposed effective date of March 8, 2000, and approve the waivers listed in the Notice of Applications plus the two additional statutes listed in the application and tariff—Sections 392.210.2 and 392.300.2, RSMo.

Respectfully submitted,

DANA K. JOYCE
General Counsel



Nathan Williams
Assistant General Counsel
Missouri Bar No. 35512

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-8702 (Telephone)
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Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 24th day of February 2000.

Robert Williams

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No: TA-2000-459 File No: 200000653
Applicant: ACN Communication Services, Inc.

From: Sara Buyak
Telecommunications Department

Was denied 2:23:00 Man Post 2:24:00 NW 2/23/00
Utility Operations Division/Date General Counsel's Office/Date

Subject: Staff Recommendation for Approval of Certificate

Date: February 16, 2000

Date Assigned: January 24, 2000

Staff Deadline: February 28, 2000

The Telecommunications Department Staff (Staff) recommends the applicant be granted the following certificate(s), as indicated below, to be effective on the same date the tariff becomes effective:

- certificate to provide interexchange telecommunications services.
 - certificate to provide local exchange telecommunications services.*
- *local exchange authority should be restricted to dedicated, private line services.

Staff recommends the applicant and its services receive competitive classification. Furthermore, Staff recommends approval of the applicant's proposed tariff, PSC MO NO. 1, with a proposed effective date of March 8, 2000. In addition, Staff recommends approval of the waivers listed in the Notice.

Is there an attachment to this recommendation indicating any additional recommendations or special considerations? Yes No

RECEIVED
FEB 23 2000
11:00 AM
COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION

Application/Tariff Review Items

- No applications to intervene filed.

- Application contains the following:**
- Proper Secretary of State authorization
- Request for classification as a competitive telecommunications company.
- All requested waivers are listed in the Notice and all requested waivers have previously been granted to other competitive companies.

Proposed tariff:

- Complies with PSC rules and statutes applicable to applicant.
- If operator services offered, operator services requirements are included.
- Includes "interexchange" tariff text if offers private line service w/o requesting a local certificate.
- If ICB pricing proposed, only for private line.
- If ICB pricing is offered, tariff includes standardized ICB text.
- Rate structures or service offerings are similar to existing IXC offerings. (In addition, tariff does not geographically de-average).
- If promotional offering text is included, it is standardized promotion text.
- Waivers listed in tariff match those listed in application and Notice. *See attached*

Services Offered in Initial Tariff

- | | |
|--|---|
| <input checked="" type="checkbox"/> 1+ | <input type="checkbox"/> Private Line |
| <input checked="" type="checkbox"/> 800/888/877 Services | <input type="checkbox"/> Debit Card |
| <input checked="" type="checkbox"/> Directory Assistance | <input type="checkbox"/> Travel Card |
| <input type="checkbox"/> Operator Assistance | <input checked="" type="checkbox"/> Other: Calling Card |

Has proposed effective date been extended? Yes No

New effective date:

Have substitute tariff sheets been filed? Yes No

Date of substitute sheets: February 18, 2000

From	Initials	Date	Revised
Sara Buyak	SB	2/16/00	2/18/00
Wm. Voight	<u>BU</u>	<u>2-18</u>	
Mr. VanEschen	<u>[Signature]</u>	<u>2/22</u>	
Mr. Henderson	<u>WH</u>	<u>2-23-00</u>	
Legal	<u>MP</u>	<u>2-24-00</u>	

Attachment to Case No. TA-2000-459
File No. 200000653
February 16, 2000

ACN Communications Services, Inc. requests two waivers not listed in the January 25, 2000 notice, 392.210.2 and 392.300.2, RSMo., which have previously been approved by the Commission for interexchange telecommunications carriers.

**Service List for
Case No. TA-2000-459
February 24, 2000**

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