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BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the matter of the Application of TotalTel, Inc.)
for a Certificate of Service Authority to Provide) Case No. TA-99-63
Interexchange Telecommunications Services.)

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY
AND ORDER APPROVING TARIFF

TotalTel, Inc. (TotalTel) applied to the Public Service Commission on August 14, 1998, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994¹. TotalTel asked the Commission to classify it as a competitive company and waive certain statutes and rules as authorized by Sections 392.361 and 392.420. TotalTel is a New Jersey corporation, with its principal office located at 150 Clove Road, 8th Floor, Little Falls, New Jersey 07424.

The Commission issued a Notice of Applications and Opportunity to Intervene on August 18, directing parties wishing to intervene to file their requests by September 2. However, a second Notice and Schedule was issued on August 25 because the original Notice and Schedule incorrectly listed the tariff effective date as September 18, 1998, instead of the correct date of September 30, 1998. The second (August 25) Notice and Schedule noted that the tariff effective date was actually September 30, 1998; this notice also extended the intervention deadline to September 9. The requirement for a hearing is met when the opportunity for hearing has

¹ All statutory references are to the Revised Statutes of Missouri 1994 unless otherwise indicated.

been provided and no proper party has requested the opportunity to present evidence. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989). Since no one has asked permission to intervene or requested a hearing, the Commission may grant the relief requested based on the verified application.

TotalTel filed a proposed tariff in conjunction with its application with an effective date of September 30. TotalTel's tariff describes the rates, rules, and regulations it intends to use, identifies TotalTel as a competitive company, and lists the waivers requested. TotalTel intends to provide interexchange telecommunications services including 1+, 800/888/877 Services, Directory Assistance, Debit Card, and Travel Card services.

In its Memorandum filed on September 14, the Staff of the Commission stated that TotalTel's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant TotalTel a certificate of service authority, competitive status, and waiver of the statutes and rules listed in the Notice. Staff recommended that the Commission approve the proposed tariff to become effective on September 30.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and TotalTel should be granted a certificate of service authority. The Commission finds that the services TotalTel proposes to offer are competitive and TotalTel should be classified as a competitive company. The Commission finds that waiving the statutes and Commission rules set

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The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and TotalTel should be granted a certificate of service authority. The Commission finds that the services TotalTel proposes to offer are competitive and TotalTel should be classified as a competitive company. The Commission finds that waiving the statutes and Commission rules set

out in the ordered paragraph below is reasonable and not detrimental to the public interest.

The Commission finds that TotalTel'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 August 14 should be approved to become effective on September 30.

IT IS THEREFORE ORDERED:

1. That TotalTel, Inc. is granted a certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri, subject to all applicable statutes and Commission rules except as specified in this order.

2. That TotalTel, Inc. is classified as a competitive telecommunications company. Application of 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
392.340 - reorganization(s)
392.330, RSMo Supp. 1997 - issuance of securities,
debts and notes

Commission Rules

4 CSR 240-10.020 - depreciation fund income
4 CSR 240-30.010(2)(C) - rate schedules
4 CSR 240-30.040 - 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

3. That the tariff filed by TotalTel, Inc. on August 14, 1998, is approved to become effective on September 30, 1998. The tariff approved is:

P.S.C. MO. TARIFF NO. 1

4. That this order shall become effective on September 30, 1998.
5. That this case shall be closed on October 5, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Vicky Ruth, Regulatory Law Judge,
by delegation of authority pursuant
to 4 CSR 240-2.120(1) (November 30,
1995) and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 22nd day of September, 1998.

