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BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of Quintelco, Inc.)
for a Certificate of Service Authority to Provide) Case No. TA-98-111
Interexchange and Local Exchange Telecommunications)
Services.)
)

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY
AND ORDER APPROVING TARIFF

Quintelco, Inc. (Quintelco) applied to the Public Service Commission on September 9, 1997, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994¹. The Commission directed the company to file an amended application and suspended Quintelco's proposed tariff (M.P.S.C. TARIFF NO. 1) to February 21, 1998, by order dated September 23, 1997. After Quintelco filed an amended application and supplemental tariff pages for this tariff, the Commission issued a second order directing the filing of an amended application on December 2. In its December 2 order, the Commission suspended the additional sheets that had been filed by Quintelco to February 21, 1998, so that the effective date would coincide with the remaining sheets of M.P.S.C. TARIFF NO. 1. Quintelco filed an amended application that complied with the Commission's regulations on February 2. Quintelco 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. Quintelco is a Delaware corporation, with

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

its principal office located at 1 Blue Hill Plaza, Pearl River, New York 10965.

The Commission issued a Notice of Applications and Opportunity to Intervene on February 18, directing parties wishing to intervene to file their requests by March 5. On February 7, the Commission further suspended M.P.S.C. TARIFF NO. 1 to April 22 in order to permit interested parties to intervene prior to the effective date of the tariff. No party requested intervention or a hearing.

The requirement for a hearing is met when the opportunity for hearing has 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.

Quintelco filed substitute sheets to M.P.S.C. TARIFF NO. 1 on February 26, March 6, March 12, March 31 and April 7. Quintelco's tariff describes the rates, rules, and regulations it intends to use for its interexchange telecommunications service, identifies Quintelco as a competitive company, and lists the waivers requested. Quintelco intends to provide interexchange telecommunications services including 1+ direct dial, debit card, teleconferencing and call forwarding services.

In its Memorandum filed on April 9 the Staff of the Commission stated that Quintelco's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant Quintelco 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 as amended to become effective on April 22.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Quintelco should be granted a certificate of service authority. The Commission finds that the services Quintelco proposes to offer are competitive and Quintelco 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 Quintelco'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 September 9, 1997, shall be approved as amended to become effective on April 22, 1998.

IT IS THEREFORE ORDERED:

1. That Quintelco, 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 Quintelco, 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 Quintelco, Inc. on September 9, 1997, is approved as amended to become effective on April 22, 1998. The tariff approved is:

M.P.S.C. TARIFF NO. 1

4. That this order shall become effective on April 22, 1998.
5. That this case shall be closed on April 27, 1998.

BY THE COMMISSION

Dale Hardy Roberts

(S E A L)

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Amy E. Randles, 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 14th day of April, 1998.

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COMMISSION COUNCIL
ON REGULATORY COMMISSION