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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of)	
Megsinet-CLEC, Inc. for a Certificate of)	
Service Authority to Provide Intrastate)	<u>Case No. TA-98-525</u>
Interexchange Telecommunications Service)	
and for Competitive Classification.)	

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY AND
ORDER APPROVING TARIFF

Megsinet-CLEC, Inc. (Megsinet) applied to the Public Service Commission on May 21, 1998 for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994¹. Megsinet 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. Megsinet is an Illinois corporation, with its principal office located at 225 West Ohio, Suite 200, Chicago, Illinois 60610.

The Commission issued a Notice of Applications and Opportunity to Intervene on June 2, directing parties wishing to intervene to file their requests by June 17. 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

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

to intervene or requested a hearing, the Commission may grant the relief requested based on the verified application.

Megsinet filed a proposed tariff in conjunction with its application and filed substitute sheets on June 22. The tariff's effective date is July 5. Megsinet's tariff describes the rates, rules, and regulations it intends to use, identifies Megsinet as a competitive company, and lists the waivers requested. Megsinet intends to provide interexchange telecommunications services including 1+ direct dial, 800/888/877, Directory Assistance, and travel card services.

In its Memorandum filed on June 24 the Staff of the Commission stated that Megsinet's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant Megsinet 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 July 5.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Megsinet should be granted a certificate of service authority. The Commission finds that the services Megsinet proposes to offer are competitive and Megsinet 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 Megsinet'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 May 21 shall be approved as amended to become effective on July 5.

IT IS THEREFORE ORDERED:

1. That Megsinet-CLEC, 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 Megsinet-CLEC, 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 Megsinet-CLEC, Inc. on May 21, 1998, is approved as amended to become effective on July 5, 1998. The tariff approved is:

4. That this order shall become effective on July 5, 1998.
5. That this case shall be closed on July 13, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

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 2nd day of July, 1998.

**STATE OF MISSOURI
OFFICE OF THE PUBLIC SERVICE COMMISSION**

**I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 2nd day of July, 1998.**

Dale Hardy Roberts

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
July 2, 1998**

CASE NO: TA-98-525

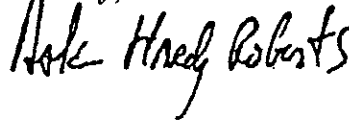
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Enclosed find certified copy of ORDER in the above-numbered case(s).

Sincerely,



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Uncertified Copy:

Megsinet-CLEC, Inc.
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