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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of MCImetro)
Access Transmission Services, Inc. for Certifi-)
cates of Service Authority to Provide Basic)
Local Telecommunications Services and Exchange)
Access Services and to Classify Such Services)
as Competitive.)

Case No. TA-96-355

ORDER DENYING MOTIONS TO SUSPEND TARIFF

On April 24, 1996, MCImetro Access Transmission Services, Inc. (MCI) filed an application for certificates of service authority to provide basic local telecommunications services and exchange access services. On August 20, 1996, the Commission consolidated this case with Case Nos. TA-96-322 and TA-96-438, with TA-96-322 being the lead case. The parties to consolidated Case No. TA-96-322 entered into a Stipulation and Agreement on September 23, 1996. The Commission approved the Stipulation and Agreement in Case No. TA-96-355 in its *Report and Order*, dated February 21, 1997.

On September 30, 1998, MCI filed local exchange tariff sheets (file number 9900225) and access tariff sheets (file number 9900263). The tariff sheets bore an effective date of October 17, 1998, which has been extended to February 12, 1999. On October 19, 1998, Southwestern Bell Telephone Company (SWBT) filed its Motion to Suspend Tariff. The Staff filed a Motion to Suspend Tariff on December 31, 1998, requesting that the Commission suspend MCI's tariff filing, file number 9900263, for further consideration and analysis. The tariff referenced is the Access Service tariff; the pleading does not mention file number 9900225, the Local Exchange Service tariff.

The Staff's Motion to Suspend Tariff indicates that MCI has failed to demonstrate that its tariffs are in compliance with the Stipulation in Case No. TA-96-322. Staff argues that MCI's access rates still appear, in many cases, to be higher than SWBT's rates for the same elements. Further, Staff notes that MCI's tariffs contain some rate elements which are priced on an individual case basis (ICB); Section 392.200.8 authorizes customer-specific pricing for "dedicated, non-switched, private line and special access services" § 392.200.8, RSMo Supp. 1997. Staff states that it is unclear whether MCI's tariffs comply with Section 392.200.8, RSMo Supp. 1997. The Staff recommends that the Commission suspend MCI's tariff filing for further consideration and analysis.

On January 6, 1999, MCI filed a Response to Staff's Motion to Suspend Tariff. MCI urges the Commission not to rule on Staff's motion to suspend at this time. MCI states that it has worked with Staff to eliminate concerns and misconceptions regarding its tariffs and that it will continue to do so. MCI indicates that there was an inadvertent breakdown in communications over the holidays but that MCI voluntarily extends the effective date of its proposed tariffs to February 12, 1999, to allow further time for the parties to resolve all concerns about the tariffs. MCI argues that there is no present need to suspend MCI's tariffs and that the Commission should not rule on Staff's motion to suspend, but should rather wait to approve MCI's tariffs in due course. MCI also notes that it has no intention of offering any service on an ICB basis without statutory authority. MCI states it will file substitute tariff language to eliminate any potential ambiguity on this point, and will submit revised access

tariff sheets to conform to the pricing restrictions contained in the Commission's prior order.

The Commission has considered the Motion to Suspend Tariff filed by SWBT on October 19, the Motion to Suspend Tariff filed by the Staff on December 31, MCI's Response to Staff's Motion to Suspend Tariff, along with the case papers, and finds that the motions to suspend the tariffs should be denied at this time. The Commission reserves the right to suspend the tariff at a later date.

IT IS THEREFORE ORDERED:

1. That the Motion to Suspend Tariff, filed by Southwestern Bell Telephone Company on October 19, 1998, is denied.
2. That the Motion to Suspend Tariff, filed by the Staff of the Missouri Public Service Commission on December 31, 1998, is denied.
3. That this order shall become effective on February 2, 1999.

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 21st day of January, 1999.