



Commissioners

SHEILA LUMPE  
Chair

HAROLD CRUMPTON

CONNIE MURRAY

ROBERT G. SCHEMENAUER

M. DIANNE DRAINER  
Vice Chair

## Missouri Public Service Commission

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.ecodev.state.mo.us/psc/>

February 14, 2000

GORDON L. PERSINGER  
Acting Executive Director  
Director, Research and Public Affairs

WESS A. HENDERSON  
Director, Utility Operations

ROBERT SCHALLENBERG  
Director, Utility Services

DONNA M. KOLILIS  
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-2000-335**

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and fourteen (14) conformed copies of a **STAFF RECOMMENDATION AND REQUEST TO WAIVE FILING OF PROCEDURAL SCHEDULE**.

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

FILED<sup>2</sup>

FEB 14 2000

Missouri Public  
Service Commission

In the Matter of the Application of )  
Metromedia Fiber Network Services, Inc. )  
for a Certificate of Service Authority to )  
provide Local and Interexchange )  
Telecommunications Service in Portions )  
of the State of Missouri and to Classify )  
said Services and the Company as )  
Competitive. )

Case No. TA-2000-335

**STAFF RECOMMENDATION AND REQUEST TO  
WAIVE FILING OF PROCEDURAL SCHEDULE**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its recommendation and request to waive filing of procedural schedule states:

1. In the attached Memorandum, which is labeled Appendix A, the Staff recommends that the Missouri Public Service Commission ("Commission") grant Metromedia Fiber Network Services, Inc. ("Applicant") a certificate to provide interexchange telecommunications services and dedicated, private line local exchanges 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; however, the Staff notes that 4 CSR 240-32.030(1)(B) listed in the notice has been superseded by 4 CSR 240-32.030(4)(C) and 4 CSR. 240-32.030(1)(C) has been superseded by 4 CSR 240-32.030(4)(A)(2). 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).

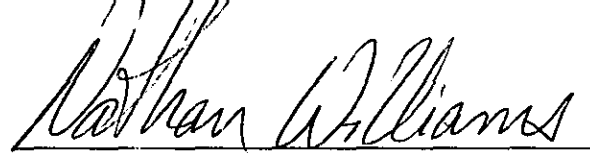
4. After the Applicant supplied a certificate of mailing to Public Counsel, the Commission filed Applicant's application on November 18, 1999. On November 23, 1999, the Commission issued notice of the application. On December 8, 1999, Southwestern Bell Telephone Company (SWBT) filed an application to intervene. On December 14, 1999, the Commission issued a Notice of Deficiency regarding the application. By filings made January 14, 2000, the Applicant opposed intervention by SWBT and amended its applicant to cure deficiencies. On January 24, 2000, SWBT filed its response to Applicant's opposition to intervention by SWBT. On January 28, 2000, the Commission granted SWBT intervention and ordered the parties to file a procedural schedule. On January 31, 2000, Applicant filed an additional amendment to its application and a letter clarifying that the service authority it sought did not include basic local telecommunications services. On February 9, 2000, SWBT filed its withdrawal from the case and the Commission granted SWBT withdrawal from the case. On February 14, 2000, Applicant filed its second amendment to its application to conform the waivers it requests to those listed in the notice of application.

5. Applicant has not filed a tariff for the services for which it seeks a certificate of service authority in this case.

**WHEREFORE**, the Staff requests the Commission to waive the filing of a procedural schedule and recommends that the Commission grant Metromedia Fiber Network Services, Inc. a certificate of service authority to provide interexchange and dedicated, private line local exchange telecommunications services, grant Applicant competitive classification, approve the waivers listed in the Notice of Application, require Applicant to file a tariff to implement these services within 30 days of the grant of service authority and make the certificate of service authority effective upon approval by the Commission of the aforesaid tariff.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

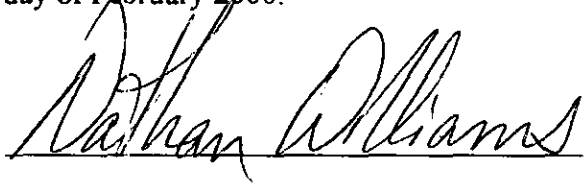
A handwritten signature in cursive script, appearing to read "Nathan Williams", written over a horizontal line.

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)  
(573) 751-9285 (Fax)

### **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 14<sup>th</sup> day of February 2000.

  
\_\_\_\_\_

## MEMORANDUM

To: Missouri Public Service Commission Official Case File  
Case No: TA-2000-335 File No: N/A  
Applicant: Metromedia Fiber Network Services, Inc.

From: Lisa Mahaney *lm*  
Telecommunications Department *BY*

*Wm K Haas 2/14/00* *Wm K Haas 2/14/00*  
Utility Operations Division/Date General Counsel's Office/Date

*NW 2/14/00*

Subject: Staff Recommendation for Approval of Certificate

Date: February 14, 2000

Date Assigned: 11/19/99

Staff Deadline: N/A

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.

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

RECEIVED  
FEB 14 2000  
11:10AM  
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.

### Services Offered in Initial Tariff

☐

1+

☐

Private Line

☐

800/888/877 Services

☐

Debit Card

☐

Directory Assistance

☐

Travel Card

☐

Operator Assistance

☐

Other:

Has proposed effective date been extended? ☐ Yes ☐ No

New effective date:

Have substitute tariff sheets been filed? ☐ Yes ☐ No

Date of substitute sheets:

From	Initials	Date	Revised
Lisa Mahaney	LM	2/14/00	
Wm. Voight	WV	2/14/00	
Mr. VanEschen	JVE	2/14/00	
Mr. Henderson	WH	2/14/00	
Legal	WKH	2/14/00	

Attachment to TA-2000-335  
February 14, 2000

Southwestern Bell Telephone Company (SWBT) filed an Application to Intervene on December 8, 1999. A Notice of Deficiency was issued December 14, 1999. On January 14, 2000, Applicant filed a Petition to Amend Application for Certificate of Service Authority and For Competitive Classification, and an Opposition of Metromedia Fiber Network Services, Inc. to the Application to Intervene by Southwestern Bell Telephone Companies. On January 24, 2000, SWBT filed a Response of SWBT to Metromedia Fiber Network Services, Inc.'s Opposition to Application to Intervene. An Order Granting Intervention and Directing Filing of Procedural Schedule was issued January 28, 2000.

On January 31, 2000, Applicant filed an amended Exhibit B of its Application, and a letter to confirm that Applicant requested authority to provide interexchange (IXC) and local exchange service but did not request authority to provide basic local service (CLEC). On February 9, 2000, SWBT's Withdrawal of Intervention was filed and an Order Allowing Withdrawal was issued.

On February 14, 2000, Applicant filed a Second Amendment to Application to provide an amended waiver list because Applicant had erroneously requested CLEC waivers instead of IXC waivers. This amended list contains the standard waivers for IXCs. It is noted that two citations on this list differ from the list in the Notice. This is because in 4 CSR 240-32.030, (1)(B) has been replaced by (4)(C) and (1)(C) has been replaced by (4)(A)(2). They are the same waivers, simply with different paragraph numbers.

No tariff has been filed at this time.



**Service List for**  
**Case No. TA-2000-335**  
**February 14, 2000**

Office of the Public Counsel  
P.O. Box 7800  
Jefferson City, MO 65102

Martin C. Rothfelder  
The Rothfelder Law Offices  
625 Central Avenue  
Westfield, NJ 07090