

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office
in Jefferson City on the 22nd
day of January, 1998.

In the Matter of the Application of The Empire)
District Electric Company for a Certificate of)
Service Authority to Provide Local Exchange and)
Intrastate Interexchange Telecommunications)
Services to the Public Within the State of)
Missouri.)
)

Case No. TA-98-233

**ORDER APPROVING INTEREXCHANGE AND LOCAL EXCHANGE
CERTIFICATES OF SERVICE AUTHORITY AND ORDER APPROVING TARIFF**

The Empire District Electric Company (Empire) applied to the Public Service Commission on December 5, 1997, for a certificate of service authority to provide intrastate interexchange and local exchange telecommunications services in Missouri under Section 392.410-.450, RSMo 1994¹. Empire subsequently filed an Amended Application by Interlineation which included a Certificate of Corporate Good Standing-Foreign Corporation from the Missouri Secretary of State. Empire 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. Empire is a Kansas corporation, with its principal office located at 602 Joplin Street, Joplin, Missouri 64801.

The Commission issued a Notice of Applications and Opportunity to Intervene on December 9, directing parties wishing to intervene to file their requests by December 24. The requirement for a hearing is met when

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

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.

Empire filed a proposed tariff in conjunction with its application and filed a substitute sheet on January 9, 1998. The tariff's effective date is January 26, 1998. Empire's tariff describes the rates, rules, and regulations it intends to use, identifies Empire as a competitive company, and lists the waivers requested. Empire intends to provide interexchange and local exchange telecommunications services including private line services.

The Staff of the Commission filed a Memorandum recommending approval of Empire's application and tariff on January 7, 1998. Staff subsequently filed an amended recommendation on January 14. In its amended recommendation, Staff stated that Empire's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant Empire a certificate of interexchange service authority, and a certificate of service authority for local exchange telecommunication services on condition that this authority be restricted to providing dedicated, nonswitched local exchange private line services. Staff recommended that the Commission grant Empire 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 January 26, 1998.

The Commission finds that competition in the intrastate interexchange and local exchange telecommunications markets is in the

public interest and Empire should be granted a certificate of service authority. The Commission finds that the services Empire proposes to offer are competitive and Empire should be classified as a competitive company. The Commission finds that waiving the statutes and Commission rules set out in Ordered Paragraph 3 is reasonable and not detrimental to the public interest.

The Commission finds that Empire's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated interexchange and local exchange carriers. The Commission finds that the proposed tariff filed on December 5 shall be approved as amended to become effective on January 26, 1998.

IT IS THEREFORE ORDERED:

1. That The Empire District Electric Company 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 The Empire District Electric Company is granted a certificate of service authority to provide local exchange telecommunications services in the state of Missouri limited to providing dedicated, nonswitched local exchange private line services, subject to all applicable statutes and Commission rules except as specified in this order.
3. That The Empire District Electric Company 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. 1996 - 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

4. That the tariff filed by The Empire District Electric Company on December 5, 1997, is approved as amended to become effective on January 26, 1998. The tariff approved is:

P.S.C. Mo. No. 1

- 5. That this order shall become effective on January 26, 1998.
- 6. That this case shall be closed on February 3, 1998.

BY THE COMMISSION



(S E A L)

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Lumpe, Ch., Crumpton, Drainer
and Murray, CC., concur.

Hennessey, Regulatory Law Judge