

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

In the Matter of the Application of Empire District )  
Industries, Inc., for a Certificate of Service Authority to )  
Provide Local Exchange and Intrastate Interexchange ) **Case No. LA-2003-0026**  
Telecommunications Services to the Public Within ) **Tariff No. JL-2003-0040**  
The State of Missouri. )

**ORDER APPROVING INTEREXCHANGE AND**  
**NONSWITCHED LOCAL EXCHANGE CERTIFICATE OF SERVICE**  
**AUTHORITY AND ORDER APPROVING TARIFF**

**Syllabus:** This order grants Empire District Industries, Inc. (Empire) a certificate of service authority to provide interexchange and nonswitched local exchange telecommunications services, restricted to providing dedicated private line services, and approves the company's proposed tariff.

Empire District Industries, Inc. (Empire) applied to the Missouri Public Service Commission on July 30, 2002, for a certificate of service authority to provide intrastate interexchange and nonswitched local exchange telecommunications services in Missouri under Sections 392.410 - .450, RSMo 2000<sup>1</sup>. Empire asked the Commission to classify it as a competitive company and to waive certain statutes and rules as authorized by Sections 392.361 and 392.420. Empire is a Delaware corporation with its principal office located at 602 Joplin Street, Joplin, Missouri 64801.

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<sup>1</sup> All statutory references are to the Revised Statutes of Missouri (RSMo), revision of 2000, unless otherwise indicated.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on August 6, 2002, directing parties wishing to intervene to file their requests by August 22, 2002. No one has asked permission to intervene or requested a hearing.

Empire filed a proposed tariff in conjunction with its application with an effective date of September 13, 2002. 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 nonswitched local exchange telecommunications services

In its Memorandum filed on September 4, 2002, the Staff of the Commission recommended that the Commission grant Empire a certificate of interexchange service authority and a certificate of service authority for local exchange telecommunications service on condition that this authority be restricted to providing dedicated 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 September 13, 2002.

The Commission finds that competition in the intrastate interexchange and nonswitched local exchange telecommunications markets is in the public interest and Empire should be granted certificates 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 the ordered paragraph below 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 July 30, 2002, should be approved to become effective on September 13, 2002.

**IT IS THEREFORE ORDERED:**

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

3. That Empire District Industries, Inc. is classified as a competitive telecommunications company. Application of the following statutes and regulatory rules shall be waived:

**Statutes**

- 392.210.2 - uniform system of accounts
- 392.240.1 - rates-rentals-service & physical connections
- 392.270 - valuation of property (ratemaking)
- 392.280 - depreciation accounts
- 392.290 - issuance of securities
- 392.300.2 - acquisition of stock
- 392.310 - stock and debt issuance
- 392.320 - stock dividend payment
- 392.330 - issuance of securities, debts and notes
- 392.340 - reorganization(s)

**Commission Rules**

- 4 CSR 240-10.020 - depreciation fund income
- 4 CSR 240-30.010(2)(C) - posting of tariffs
- 4 CSR 240-30.040 - uniform system of accounts
- 4 CSR 240-33.030 - minimum charges
- 4 CSR 240-35 - reporting of bypass and customer-specific arrangements

4. That the tariff filed by Empire District Industries, Inc. on July 30, 2002, as tariff number JL-2003-0040, is approved to become effective on September 13, 2002. The tariff approved is:

**P.S.C. Mo. No. 1**

**Original Sheet No. 1 through Original Sheet No. 22**

- 5. That this order shall become effective on September 13, 2002.
- 6. That this case may be closed on September 14, 2002.

**BY THE COMMISSION**

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

( S E A L )

Ronald D. Pridgin, Regulatory Law Judge,  
by delegation of authority pursuant  
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 9th day of September, 2002.