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**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office  
in Jefferson City on the 15th  
day of October, 1997.

In the Matter of the Application of Communications )  
Cable-Laying Company, d/b/a Dial U.S. for Variance )  
and Waiver of Certain Commission Rules and Regula- ) **Case No. TA-97-540**  
tions for Purposes of Providing a Prepaid Basic )  
Local Exchange Service Within the State of )  
Missouri. )

**ORDER DISMISSING APPLICATION AND REJECTING TARIFF SHEET**

Communications Cable-Laying Company d/b/a Dial U.S. (Dial U.S.)  
was granted a certificate of service authority to provide basic local  
exchange and local exchange telecommunications services in Missouri on  
December 20, 1996, in Case No. TA-96-347. Case No. TO-97-540 was  
established when Dial U.S. filed an Application for Variance on June 13,  
1997, asking the Commission to waive the application of certain Commission  
rules. The waivers requested are over and above those granted in  
Dial U.S.'s basic local certificate case and would be used to provide  
prepaid services. Dial U.S. filed a tariff sheet in conjunction with this  
application to become effective on July 28.

The Office of the Public Counsel (OPC) filed a Motion for  
Suspension of Tariff which the Commission granted on July 25, suspending  
the effective date of the tariff sheet to December 28. GTE Midwest  
Incorporated was granted participation. The Commission set the case for  
hearing on November 14 and adopted a procedural schedule which called for  
Dial U.S. to file direct testimony on September 15.

Instead of filing direct testimony, Dial U.S. filed a Motion to  
Approve Variances and to Lift Suspension of Tariff on September 15.

Dial U.S. stated in its motion that OPC had not withdrawn its objection to the suspended tariff. In support of its motion Dial U.S. stated that, except for OPC, the parties have agreed that the additional waivers should be granted as long as Dial U.S. limits the use of these waivers to its prepaid services.<sup>1</sup> Dial U.S. asked the Commission to reconsider its prior order and approve the tariff with the additional waivers without holding a hearing because its proposed prepaid services are competitive and in the public interest. The company argued that its prepaid services would result in provision of better service to the customer at a competitive price. Although OPC objected to the rates Dial U.S. proposes to charge for this service, the company argued that the rates are market-based. Finally, Dial U.S. argued that the costs of participating in a hearing have become a major factor and that, unless the Commission allows the proposed service to go into effect without formal hearing, the company may not offer this service.

No party filed a response to Dial U.S.'s motion.

The Commission has reviewed Dial U.S.'s Motion to Approve Variances and to Lift Suspension of Tariff. Essentially Dial U.S. has presented the Commission, on a unilateral basis, with an alleged informal, and non-unanimous, stipulation. No other party filed a response indicating its concurrence with the company's motion or confirming the company's allegations regarding the parties' purported agreement.

The Commission finds that Dial U.S. has made no factual allegations to support the granting of its motion. No Stipulation and Agreement has been filed to indicate agreement of the parties. And, in

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<sup>1</sup> Dial U.S.'s basic local exchange certification is not restricted to the provision of prepaid services and the company currently is offering services other than prepaid services.

refusing to file direct testimony, Dial U.S. has presented the Commission with no record evidence to support the request for relief for which this case was established. Accordingly, the Commission will deny the motion, dismiss the underlying petition, and reject the accompanying tariff sheet.

**IT IS THEREFORE ORDERED:**

1. That the Motion to Approve Variances and to Lift Suspension of Tariff filed by Communications Cable-Laying Company, d/b/a Dial U.S. on September 15, 1997 is denied.

2. That the Application for Variance filed by Communications Cable-Laying Company, d/b/a Dial U.S. on June 13, 1997 is dismissed.

3. That the tariff sheet issued by Communications Cable-Laying Company, d/b/a Dial U.S. on June 13, 1997 is rejected. The tariff sheet rejected is:

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4. That the procedural schedule and the hearing date set for this case are canceled.

5. That this order shall become effective on October 28, 1997.

6. That this case shall be closed on October 29, 1997.

**BY THE COMMISSION**



**Cecil I. Wright**  
**Executive Secretary**

( S E A L )

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

Wickliffe, Deputy Chief Regulatory Law Judge