

In the Matter of the Application of Clarity Telecom LD Network Services, Inc. for a Certificate of Service Authority to Provide Intrastate Inter-exchange Telecommunications Services and for Designation as a Competitive Telecommunications Company.

**ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE**  
**AUTHORITY AND ORDER APPROVING TARIFF**

Clarity Telecom LD Network Services, Inc. (Clarity), applied to the Public Service Commission on July 31, 1997, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994.<sup>1</sup> Clarity 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. Clarity is a Delaware corporation, with its principal office located at 478 Wheelers Farms Road, Milford, Connecticut 06460.

The Commission issued a Notice of Applications and Opportunity to Intervene on August 5, directing parties wishing to intervene in the case to file their requests by August 20. The requirement for a hearing is met when 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

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

494, 496 (Mo. App. 1989). Since no one has asked permission to intervene or requested a hearing in this case, the Commission may grant the relief requested based on the verified application.

Clarity filed a proposed tariff in conjunction with its application and filed substitute sheets on August 28 and September 11. The tariff's effective date is September 25. Clarity's tariff describes the rates, rules, and regulations it intends to use, identifies Clarity as a competitive company, and lists the waivers requested. Clarity intends to provide interexchange telecommunications services including 1+ direct dial, 800 number services, directory assistance, operator services and travel card services.

In its Memorandum filed on September 16, the Staff of the Commission stated that Clarity's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant Clarity a certificate of service authority, 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 25.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Clarity should be granted a certificate of service authority. The Commission finds that the services Clarity proposes to offer are competitive and Clarity should be classified as a competitive company. The Commission is of the opinion that waiving the statutes and Commission rules set out in Ordered Paragraph 2 is reasonable and not detrimental to the public interest.

The Commission determines, by authority of Section 392.470, that Clarity should comply with the following regulatory requirements as reasonable and necessary conditions of certification:

- (1) Clarity must comply with reasonable requests by Staff for financial and operating data to allow Staff to monitor the intraLATA toll market. § 386.320.3.
- (2) Clarity must file tariffs containing rules and regulations applicable to customers, a description of the services provided, and a list of rates associated with those services in accordance with 4 CSR 240-30.010 and Section 392.220, RSMo Supp. 1996.
- (3) Clarity may not unjustly discriminate between its customers. §§ 392.200, RSMo Supp. 1996, 392.400.
- (4) Clarity must comply with all applicable rules of the Commission except those specifically waived by this order. §§ 386.570, 392.360.
- (5) Clarity must file a Missouri-specific annual report. §§ 392.210, 392.390.1.
- (6) Clarity must comply with jurisdictional reporting requirements as set out in each local exchange company's access services tariffs. § 392.390.3.
- (7) Clarity must submit to the staff, on a confidential basis, a copy of the jurisdictional report it submits to local exchange companies. The report must be submitted within ten (10) days of the date on which it is submitted to the local exchange company.

The Commission finds that Clarity's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated interexchange carriers. The Commission finds that the proposed tariff filed on July 31 shall be approved as amended to become effective on September 25.

**IT IS THEREFORE ORDERED:**

1. That Clarity Telecom LD Network Services, Inc., is granted a certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri, subject to the conditions of certification set out above.

2. That Clarity Telecom LD Network Services, Inc., is classified as a competitive telecommunications company. 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

3. That the tariff filed by Clarity Telecom LD Network Services, Inc., on July 31, 1997, is approved as amended to become effective on September 25, 1997. The tariff approved is:

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

4. That this order shall become effective on September 25, 1997.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read "Cecil I. Wright", with a stylized flourish at the end.

**Cecil I. Wright  
Executive Secretary**

( S E A L )

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

ALJ: Hennessey