

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
January 31, 2002**

CASE NO: TA-2002-300

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Enclosed find certified copy of an ORDER in the above-numbered case(s).

Uncertified copies:

Sincerely,

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, flowing style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of
Weston Telecommunications, L.L.C. for a
Certificate of Service Authority to Provide
Intrastate Interexchange and Non-Switched
Local Exchange Telecommunications Services
within the State of Missouri and for
Competitive Classification

Case No. TA-2002-300
Tariff No. 200200523

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

Weston Telecommunications, L.L.C. applied to the Missouri Public Service Commission on December 21, 2001, for certificates of service authority to provide intrastate interexchange and nonswitched local exchange telecommunications services in Missouri under Sections 392.410-.450, RSMo 2000.¹ Weston 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. Weston is an Ohio corporation with its principal office located at Summit II, 3046 Brecksville Road, Richfield, OH 44286.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on January 8, 2002, directing parties wishing to intervene to file their requests by January 23, 2002. The *Deffenderfer* case held that the requirement for a hearing is met when the opportunity for hearing has been provided and

¹ All references herein to Sections of the Revised Statutes of Missouri (RSMo), unless otherwise specified, are to the revision of the year 2000.

no proper party has requested the opportunity to present evidence.² Since no one has asked permission to intervene or requested a hearing, the Commission may grant the relief requested based on the application.

Weston filed a proposed tariff with its application, with the tariff's original effective date being February 4, 2002. On January 9, 2002, Weston extended the effective date to February 7, 2002, and on January 29, 2002, extended the effective date to February 14, 2002. Weston's tariff describes the rates, rules, and regulations it intends to use, identifies Weston as a competitive company, and lists the waivers requested. Weston intends to provide interexchange and nonswitched local exchange telecommunications services.

In its memorandum filed on January 30, 2002, the Staff of the Commission recommended that the Commission grant Weston a certificate of interexchange service authority and a certificate of service authority for local exchange telecommunications services on condition that this authority be restricted to providing dedicated private line services. Staff recommended that the Commission grant Weston 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 February 14, 2002.

The Commission finds that competition in the intrastate interexchange and nonswitched local exchange telecommunications markets is in the public interest and Weston should be granted certificates of service authority. The Commission finds that the services Weston proposes to offer are competitive and Weston should be classified as a competitive company. The Commission finds that waiving the statutes and Commission

² *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. 1989).

rules set out in the ordered paragraph below is reasonable and not detrimental to the public interest.

The Commission finds that Weston'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 nonswitched local exchange carriers. The Commission finds that the proposed tariff filed on December 21, 2001, will be approved to become effective on February 14, 2002.

IT IS THEREFORE ORDERED:

1. That Weston Telecommunications, L.L.C. 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 Weston Telecommunications, L.L.C. 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 Weston Telecommunications, L.L.C. is classified as a competitive telecommunications company. Application of the following statutes and regulatory rules are 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 240-32.030(4)(C) | - exchange boundary maps |
| 4 CSR 240-33.030 | - minimum charges |
| 4 CSR 240-35 | - reporting of bypass and
customer-specific arrangements |

4. That the tariff filed by Weston Telecommunications, L.L.C. on December 21, 2001, under tariff number 200200523, is approved to become effective on February 14, 2002. The tariff approved is:

Missouri PSC Tariff No. 1

- 5. That this order will become effective on February 14, 2002.
- 6. That this case may be closed on February 15, 2002.

BY THE COMMISSION



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

(SEAL)

Bill Hopkins, Senior Law Judge,
by delegation of authority under
Section 386.240, RSMo 2000.

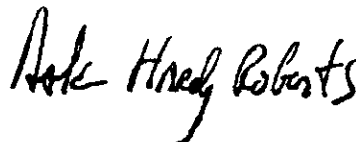
Dated at Jefferson City, Missouri,
on this 31st day of January, 2002.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 31st day of Jan. 2002 .



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

