

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
Jefferson City

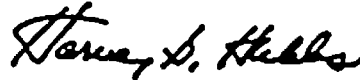
September 18, 1987

CASE NO. TA-88-82

W. R. England, III, Attorney at Law, Hawkins, Brydon & Swearingen, 312 East Capitol,
P. O. Box 456, Jefferson City, Missouri 65101

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

Sincerely,



Harvey G. Hubbs
Secretary

uncertified copy:

Terry Troughton, Bourbeuse Telephone Company, 64 North Clark, Sullivan, Missouri 63080
Office of the Public Counsel, P. O. Box 7800, Jefferson City, Missouri 65102

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 18th
day of September, 1987.

CASE NO. TA-88-82

In the matter of Bourbause
Telephone Company for a restatement
of its certificate of public
convenience and necessity.

ORDER

On September 8, 1987, Bourbause Telephone Company (Applicant) filed an application seeking an order of this Commission restating the Applicant's existing authority to provide telephone service to the public to be consistent with the Applicant's existing tariffs and exchange boundary maps contained therein on file with this Commission and within those areas that, as a result of lawfully approved revisions in its tariffs and its exchange boundary maps contained therein, may be redefined in the future.

The Commission's utility staff has examined the Commission's records, including the filed tariffs of the Applicant, and has recommended that the application be approved. In reliance upon the verified application and the recommendations of its Staff, the Commission is of the opinion that a hearing is unnecessary to resolve the issues herein and finds and concludes as follows:

Applicant is a corporation existing under the laws of the State of Missouri with its principal office and place of business at 64 North Clark, Sullivan, Missouri 63080. Applicant owns and operates telephone lines within the State of Missouri, over which it conducts the business of affording telephone communications for hire, and is a "telephone corporation", and "public utility" as those terms are defined by

Section 386.020, RSMo 1986. As such, Applicant is subject to the supervision, regulation and jurisdiction of the Commission.

Section 392.410.1 of the Revised Statutes of Missouri, to be effective September 28, 1987, provides that "[n]o telecommunications company not exempt from this subsection shall transact any business in this state until it shall have obtained a certificate of service authority from the commission pursuant to the provisions of this chapter...." The subject legislation also provides an exemption from the prohibition for those telecommunications companies who possess "a certificate of public convenience and necessity from the commission at the time this section goes into effect" or who hold "a state charter issued in or prior to the year 1913 which charter authorizes a company to engage in the telephone business."

The application recites that the Applicant currently possesses a certificate(s) of public convenience and necessity and/or state charter(s) and would, therefore, appear to be exempt from the requirements of the newly enacted legislation. The Applicant has on file with the Commission exchange boundary maps which portray the area in which the Applicant renders telephone service.

The application recites that the Applicant's original certificate(s) and/or charter(s) may not accurately describe the area it currently serves in every particular. The application also recites that in an attempt to provide comprehensive service to virtually all areas within the state, telephone companies, such as Applicant, may have expanded upon their original certificated areas through changes in their exchange boundary maps, some of which may have been made at the urging of the Commission.

The Applicant states that it is not seeking a new certificate for any expansion or contraction of the authority it currently exercises, but merely seeks an acknowledgement and recognition by the Commission that the Applicant's present operations are, in fact, consistent with its existing certificate(s) and/or charter(s). By the instant application Applicant hopes to make it unnecessary to

file a request for a certificate of service authority pursuant to the newly enacted legislation in order to continue to provide telephone service to the area it presently serves.

Based on the recommendations of its Staff, the Commission is of the opinion that the instant application should be granted. In the Commission's opinion the grant of the instant application will not result in a change in the authority of any telephone company.

The Staff's recommendation indicates that there may be a disagreement between the Staff and the Applicant as to whether or not the Applicant has both interLATA and intraLATA interexchange authority. The Staff does not disagree that the Applicant has intraLATA interexchange authority, but it is the Staff's position that the Applicant does not possess interLATA interexchange authority.

The Commission need not make any determination at this time respecting any question of whether the Applicant possesses interLATA interexchange authority to render telephone service.

It is, therefore,

ORDERED: 1. That Bourbeuse Telephone Company be, and is, hereby authorized to provide telephone service to the public within those areas in the State of Missouri depicted by its exchange boundary maps in the following listed tariff sheets on file with this Commission and within those areas that, as a result of lawfully approved revisions in exchange boundary maps, may be redefined in the future:

P.S.C. Mo. No. 5

Gerald, 4th Revised Sheet No. 7

ORDERED: 2. That this Order shall become effective on the 27th day of
September, 1987.

BY THE COMMISSION

Harvey G. Hubbs

Harvey G. Hubbs
Secretary

(S E A L)

Steinmeier, Chm., Musgrave, Mueller,
Hendren and Fischer, CC., Concur.

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11-15-88

Chairman

[Signature]

Commissioner

ACU

Commissioner

[Signature]

Commissioner

[Signature]

Commissioner

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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 18th day of September, 1987.

[Signature]

Harvey G. Hubbs
Secretary