

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of Socket )  
Telecom, LLC, for a Certificate of Authority )  
to Provide Intrastate Interexchange )  
Telecommunication Service and Non-switched )  
Local Exchange Service in the State of )  
Missouri and for Competitive Classification )

Exhibit No. 2  
Case No(s). CO-2005-0066  
Date 11-12-04 Rptr TV

Case No. TA-2001-650  
Tariff No. 200101136

**FILED**<sup>3</sup>

DEC 14 2004

Missouri Public  
Service Commission

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

Socket Telecom, LLC (Socket) applied to the Missouri Public Service Commission (Commission) on May 24, 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.<sup>[1]</sup> Socket supplemented its application on June 8, 2001. Socket 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. Socket is a Missouri corporation with its principal office located at 810 Cherry Street, Columbia, Missouri 65201.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on June 5, 2001, directing parties wishing to intervene to file their requests by June 20, 2001. 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 494, 496 (Mo. App. 1989). Since no one has asked permission to intervene or requested a hearing, the Commission may grant the relief requested based on the application.

Socket filed a proposed tariff in conjunction with its application and filed substitute

sheets on June 8, 2001. The tariff's effective date is July 9, 2001. Socket's tariff describes the rates, rules, and regulations it intends to use, identifies Socket as a competitive company, and lists the waivers requested. Socket intends to provide interexchange and nonswitched local exchange telecommunications services including 1+, travel card and data services.

In its memorandum filed on June 26, 2001, the Staff of the Commission (Staff) recommended that the Commission grant Socket 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 Socket competitive status, and waiver of the statutes and rules listed in the Notice. Staff recommended that the Commission approve the proposed tariff as amended to become effective on July 9, 2001.

The Commission finds that competition in the intrastate interexchange and nonswitched local exchange telecommunications markets is in the public interest and Socket should be granted certificates of service authority. The Commission finds that the services Socket proposes to offer are competitive and Socket 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 Socket'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 May 24, 2001, shall be approved as amended to become effective on July 9, 2001.

**IT IS THEREFORE ORDERED:**

1. That Socket Telecom, LLC 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 Socket Telecom, LLC 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 Socket Telecom, LLC 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 240-32.030(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 Socket Telecom, LLC on May 24, 2001, under tariff number 200101136, is approved as amended to become effective on July 9, 2001. The tariff approved is:

#### **P.S.C. MO No. 1**

#### **Original title sheet and Original Sheet No. 1 through 27**

- 5. That this order shall become effective on July 9, 2001.
- 6. That this case may be closed on July 10, 2001.

**BY THE COMMISSION**

**Dale Hardy Roberts**

**Secretary/Chief Regulatory Law Judge**

( S E A L )

Keith Thornburg, Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 2nd day of July, 2001.

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[1] All further statutory references are to the Revised Statutes of Missouri 2000 unless otherwise indicated.