

392.430. Certificates to be approved, when. — Except as provided in section 392.450, the commission shall approve an application for a certificate of local exchange or interexchange service authority upon a showing by the applicant, and a finding by the commission, after notice and hearing, that the grant of authority is in the public interest.

(L. 1987 H.B. 360)

392.440. Service authority, certificate of, approved when. — Any telecommunications company offering or providing the resale of either local exchange or interexchange telecommunications service must first obtain a certificate of service authority. Except as provided in section 392.450, the commission shall approve an application for a certificate for the resale of local exchange or interexchange telecommunications service upon a showing by the applicant, and a finding by the commission, after notice and hearing, that the grant of authority is in the public interest.

(L. 1987 H.B. 360)

392.450. Requirements, approval of certificates — commission to adopt rules. — 1. The commission shall approve an application for a certificate of local exchange service authority to provide basic local telecommunications service or for the resale of basic local telecommunications service only upon a showing by the applicant, and a finding by the commission, after notice and hearing that the applicant has complied with the certification process established pursuant to section 392.455.

2. In addition, the commission shall adopt such rules, consistent with section 253(b) of the federal Telecommunications Act of 1996 to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers. Such rules, at a minimum, shall require that all applicants seeking a certificate to provide basic local telecommunications services under this section:

(1) File and maintain tariffs with the commission in the same manner and form as the commission requires of the incumbent local exchange telecommunications company with which the applicant seeks to compete; and

(2) Meet the minimum service standards, including quality of service and billing standards, as

the commission requires of the incumbent local exchange telecommunications company with which the applicant seeks to compete.

(L. 1987 H.B. 360, A.L. 1996 S.B. 507)

392.451. Commission to approve application, when — adopt rules, what — exemption.

— 1. Notwithstanding any provisions of this act* to the contrary, and consistent with section 253(f) of the federal Telecommunications Act of 1996, the commission shall approve an application for a certificate of local exchange service authority to provide basic local telecommunications service or for the resale of basic local telecommunications service in an area that is served by a small incumbent local exchange telecommunications company only upon a showing by the applicant, and a finding by the commission, after notice and hearing, that:

(1) The applicant shall, throughout the service area of the incumbent local exchange telecommunications company, offer all telecommunications services which the commission has determined are essential for purposes of qualifying for state universal service fund support; and

(2) The applicant shall advertise the availability of such essential services and the charges therefor using media of general distribution.

2. In addition, the commission shall adopt such rules, consistent with section 253(b) of the federal Telecommunications Act of 1996 to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers. Such rules, at a minimum, shall require that all applicants seeking a certificate to provide basic local telecommunications services under this section:

(1) File and maintain tariffs with the commission in the same manner and form as the commission requires of the incumbent local exchange telecommunications company with which the applicant seeks to compete;

(2) Meet the minimum service standards, including quality of service and billing standards, as the commission requires of the incumbent local exchange telecommunications company with which the applicant seeks to compete;

(3) Make such reports to and other information filings with the commission as is required of the incumbent local exchange telecommunications company with which the applicant seeks to compete; and

(4) Comply with all of the same rules and regulations as the commission may impose on the incumbent local exchange telecommunications company with which the applicant seeks to compete.

3. The state of Missouri hereby adopts and incorporates in total the provisions of section 251(f)(1) of the federal Telecommunications Act of 1996 providing exemption for certain rural telephone companies.

(L. 1996 S.B. 507)

*"This act" refers to S.B. 507, 1996.

392.455. Commission to establish certification process. — Upon enactment of this section, the commission shall immediately begin a proceeding to establish a basic local telecommunications certification process. The commission may grant certificates to new entrants to provide basic local telecommunications service on a common carriage basis, subject to the provisions of sections 392.380 and 392.390. In order to preserve and advance universal service, protect the public safety and welfare, insure the continued quality of telecommunications services and safeguard the rights of consumers, such process shall include, but not be limited to:

(1) A requirement that the applicant possess sufficient technical, financial and managerial resources and abilities to provide basic local telecommunications service;

(2) A requirement that the applicant demonstrate that the services it proposes to offer satisfy the minimum standards established by the commission;

(3) A requirement that the applicant set forth the geographic area in which it proposes to offer service and demonstrate that such area follows exchange boundaries of the incumbent local exchange telecommunications company and is no smaller than an exchange;

(4) A requirement that all providers must offer basic local telecommunications service as a separate and distinct service;

(5) A requirement that the commission give due consideration to the equitable access for all Missourians, regardless of where they live or their income, to affordable telecommunications services.

(L. 1996 S.B. 507)

392.460. Abandonment of service, commission must approve. — No telecommunications

company authorized by the commission to provide or offer basic local or basic interexchange telecommunications service within the state of Missouri on January 1, 1984, shall abandon such service until and unless it shall demonstrate, and the commission finds, after notice and hearing, that such abandonment will not deprive any customers of basic local or basic interexchange telecommunications service or access thereto and is not otherwise contrary to the public interest.

(L. 1987 H.B. 360)

392.470. Conditions, commission may impose, when — compensation to other companies, when, commission may order. — 1. The commission may impose any condition or conditions that it deems reasonable and necessary upon any company providing telecommunications service if such conditions are in the public interest and consistent with the provisions and purposes of this chapter, including, but not limited to, determining that any such company should provide just and reasonable compensation to one or more other certificated telecommunications companies operating in areas in which the compensating company is providing intrastate telecommunications service without commission authorization. The foregoing authority to determine compensation may be exercised by the commission for any telecommunications service that the compensating company is not authorized to provide, whether or not the provision of the telecommunications service is intentional, unintentional or incidental to any telecommunications service that the compensating company is authorized to provide. The commission may review any certificate of public convenience and necessity issued prior to September 28, 1987, and modify such certificate to impose any reasonable and necessary conditions authorized by this section.

2. An order of the commission issued under subsection 1 of this section which determines that compensation should be provided shall be enforced and subject to continuing enforcement by the circuit courts of this state, unless stayed pending review pursuant to section 386.520, RSMo. The venue of such an action shall lie in any county in which the subject telecommunications company is providing unauthorized telecommunications service.

(L. 1987 H.B. 360)

392.475. Prohibition of resale, when. — Consistent with the federal Telecommunications