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April 14, 2000

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Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

RE: Case No. TA-2000-515

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and fourteen (14) conformed copies of an **AMENDED STAFF RECOMMENDATION**.

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

Nathan Williams
Assistant General Counsel
(573) 751-8702
(573) 751-9285 (Fax)

NW:sw
Enclosure
cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

APR 14 2000

Missouri Public
Service Commission

In the Matter of the Application of)
FairPoint Communications Corp. for a)
Certificate of Service Authority to provide)
Interexchange Telecommunications)
Services in the State of Missouri and to)
Classify Said Services and the Company)
as Competitive)
)

Case No. TA-2000-515

AMENDED STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its amended recommendation states:

1. In its Staff Recommendation filed March 27, 2000, in this case, Staff recommended the Commission grant to FairPoint Communications Corp. a certificate to provide interexchange telecommunications services, classify the company and its services as competitive, and approve the waivers listed in the notice of applications. Subsequent to filing of its foregoing recommendation, Staff learned that tariff sheets 42-48 it had reviewed and relied upon in making its recommendation were not filed in this case before the Commission. In response to a discussion between counsel for Staff and counsel for Applicant, Applicant, on April 6, 2000 voluntarily extended the effective date of the filed tariff for thirty (30) days, filed the omitted tariff sheets 42-48 with an effective date of May 6, 2000, and requested expedited treatment.

2. In the attached Memorandum, which is labeled Appendix A, the Staff recommends that the Missouri Public Service Commission ("Commission") grant FairPoint Communications Corp. (Applicant) a certificate to provide interexchange telecommunications

services. The Commission shall grant an application for a certificate of telecommunications service authority upon a finding that the grant of authority is in the public interest. (See §§ 392.430 and 392.440, RSMo 1994). Although Staff recommends in Appendix A that the certificate be made effective on the same date the full tariff would be effective—May 6, 2000, Staff has no objection to the Commission granting the Applicant's request for expedited treatment and making the tariff and certificate effective at some earlier date should the Commission determine doing so would be appropriate in these circumstances.

2. Staff also recommends that the Commission classify the Applicant and its services as competitive. The Commission may classify a telecommunications provider or its services as competitive if the Commission determines it is subject to sufficient competition to justify a lesser degree of regulation. (See §392.361.2 RSMo 1994). All the services a competitive company provides must be classified as competitive. (See §392.361.3 RSMo 1994).

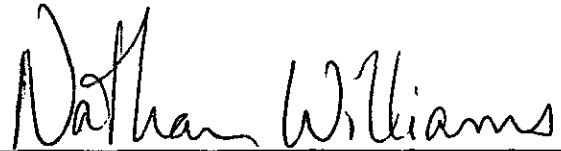
3. Staff further recommends that the Commission approve the waivers listed in the Notice of Application. The Staff notes that 4 CSR 240-32.030(1)(B) and 4 CSR 240-32.030(1)(C) are now found at 4 CSR 240-32.030(4)(C) and 4 CSR 240-32.030(4)(A)2, respectively. These waivers have been granted to other carriers in the past. The Commission may waive the application of its rules and certain statutes if the Commission determines that waiver is consistent with the purposes of Chapter 392 RSMo. (See §§ 392.361.3 and 392.420 RSMo 1994 and § 392.185 RSMo Supp. 1999).

WHEREFORE, the Staff recommends that the Commission grant FairPoint Communications Corp. a certificate to provide interexchange telecommunications services and a certificate to provide local exchange telecommunications services restricted to dedicated, private line local services, grant Applicant and its services competitive classification, grant Applicant's

request for expedited treatment, approve Applicant's proposed tariff, PSC MO No. 1, pages 1-48, with an appropriate effective date, and approve the waivers listed in the Notice of Applications with the modification of the references to 4 CSR 240-32.030(1)(B) and 4 CSR 240-32.030(1)(C) to 4 CSR 240-32.030(4)(C) and 4 CSR 240-32.030(4)(A)2, respectively.

Respectfully submitted,

DANA K. JOYCE
General Counsel

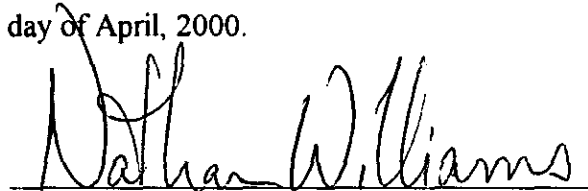


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Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 14th day of April, 2000.



MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No: TA-2000-515 File No: 200000754
Applicant: FairPoint Communications Corp.

From: Walt Cecil WC
Telecommunications Department

Bruce Wright 04-13-00 Wm K Hane 4/14/00 NW 4/14/00
Utility Operations Division/Date General Counsel's Office/Date

Subject: Amended Staff Recommendation for Approval of Certificate

Date: 04/06/00

Date Assigned: 02/22/00

Staff Deadline: 04/27/00

RECEIVED
APR 13 2000
4:10 PM
COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION

The Telecommunications Department Staff (Staff) recommends the applicant be granted the following certificate(s), as indicated below, to be effective on the same date the tariff becomes effective: May 6, 2000.

- ☒ certificate to provide interexchange telecommunications services.
☒ certificate to provide local exchange telecommunications services.*
*local exchange authority should be restricted to dedicated, private line services.

Staff recommends the applicant and its services receive competitive classification. Furthermore, Staff recommends approval of the applicant's proposed tariff, PSC MO NO. 1, sheets 1 - 48 inclusive, with a proposed effective date of May 7, 2000. In addition, Staff recommends approval of the waivers listed in the Notice.

Is there an attachment to this recommendation indicating any additional recommendations or special considerations? ☒ Yes ☐ No

Application/Tariff Review Items

☒ No applications to intervene filed.

Application contains the following:

- ☒ Proper Secretary of State authorization
☒ Request for classification as a competitive telecommunications company.
☒ All requested waivers are listed in the Notice and all requested waivers have previously been granted to other competitive companies.

Proposed tariff:

- ☒ Complies with PSC rules and statutes applicable to applicant.
☒ If operator services offered, operator services requirements are included.
☐ Includes "interexchange" tariff text if offers private line service w/o requesting a local certificate.
☒ If ICB pricing proposed, only for private line.
☒ If ICB pricing is offered, tariff includes standardized ICB text.
☒ Rate structures or service offerings are similar to existing IXC offerings. (In addition, tariff does not geographically de-average).
☒ If promotional offering text is included, it is standardized promotion text.
☒ Waivers listed in tariff match those listed in application and Notice.

Services Offered in Initial Tariff

- | | |
|--|--|
| <input checked="" type="checkbox"/> 1+ | <input checked="" type="checkbox"/> Private Line |
| <input checked="" type="checkbox"/> 800/888/877 Services | <input type="checkbox"/> Debit Card |
| <input checked="" type="checkbox"/> Directory Assistance | <input checked="" type="checkbox"/> Travel Card |
| <input checked="" type="checkbox"/> Operator Assistance | <input type="checkbox"/> Other: |

Has proposed effective date been extended? ☒ Yes ☐ No

New effective date: May 6, 2000.

Have substitute tariff sheets been filed? ☒ Yes ☐ No

Date of substitute sheets: March 23, 2000; March 16, 2000.

Date of sheets omitted from initial filing, pp. 42-48: March 27, 2000.

From	Initials	Date	Revised
Walt Cecil	WC	03/23/00	04/06/00
Wm. Voight	<u>BV</u>	<u>04-13-00</u>	
Legal	<u>WZ4</u>	<u>4/14/00</u>	

Missouri Public Service Commission
Official Case File
Case No. TA-2000-515
Tariff No. 200000754
April 6, 2000

On February 22, 2000, FairPoint Communications Corp. (FairPoint) filed an application for a Certificate of Service Authority to provide Interexchange and Local Exchange Telecommunications Service before the Missouri Public Service Commission. FairPoint filed a tariff as an exhibit with the application. During Staff's evaluation of that tariff, it became evident that pages were omitted. On March 16, 2000, a supplemental application was filed before the Commission. Also, upon Staff's request, the missing tariff pages were submitted but not properly filed as required by law. On March 23, 2000, at Staff's request, a substitute sheet was filed. Staff, unaware of the improper filing of the omitted pages, reviewed the tariff, in its entirety, found no objections, and circulated the application and tariff for review. On April 6, 2000, FairPoint correctly filed the 'omitted' pages to the tariff and extended the effective date of the tariff to May 6, 2000. Staff has reviewed the tariff and has no objections to its taking effect.

Service List for
Case No. TA-2000-515
April 14, 2000

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