

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of Pac-West Telecomm, Inc.)
for a Certificate of Service Authority to Provide) File No. LA-2011-0283
Local and Interexchange Telecommunications Services)
in the State of Missouri and to) Tariff No. YL-2011-0451
Classify said Services and the Company as Competitive)

ORDER ALLOWING TARIFF TO TAKE EFFECT BY OPERATION OF LAW

Issue Date: May 17, 2011

Effective Date: May 23, 2011

The Missouri Public Service Commission is allowing the tariff to take effect by operation of law. Applicant is a California corporation with its principal office located at 4210 Coronado Avenue, Stockton, CA 95204. Applicant filed the original tariff on March 7, 2011.¹ On April 5, 2011, the Commission issued notice and set a deadline for motions to intervene. Staff filed its *Staff Recommendation* on May 13, 2011. Staff recommends approving the tariff or allowing it to take effect by operation of law. No law requires a hearing,² so this action is not a contested case³ and the Commission need not separately state its findings of fact. Therefore, the Commission will allow the tariff to take effect by operation of law.

THE COMMISSION ORDERS THAT:

1. Tariff No. YL-2011-0451 shall take effect by operation of law according to its effective date. The specific tariff sheets taking effect by operation of law are:

Missouri P.S.C. Tariff No. 1

¹ Applicant filed substitute tariff sheets on April 29, 2011, and May 12, 2011 (together, the "tariff").

² *State ex rel. Rex Deffenderfer Ent., Inc. v. Public Serv. Comm'n*, 776 S.W.2d 494, 496 (Mo. App., W.D. 1989).

³ Section 536.010(4), RSMo Supp. 2010.

2. This order shall become effective on May 23, 2011.
3. This file shall close on May 24, 2011.

(S E A L)

BY THE COMMISSION



Steven C. Reed
Secretary

Daniel Jordan, Senior Regulatory Law Judge,
by delegation of authority under
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 17th day of May, 2011.