

BB

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of 2nd Century)
Communications, Inc. for a Certificate of)
Service Authority to Provide Competitive Resold)
Intrastate Interexchange Telecommunications) Case No. TA-2000-324
Services and Non-Switched Basic)
Telecommunications Services within the State)
of Missouri)

NOTICE OF DEFICIENCY

2nd Century Communications, Inc. (2nd Century) applied to the Missouri Public Service Commission (Commission) on November 9, 1999, for a certificate of service authority to provide resold intrastate interexchange telecommunications services and non-switched basic telecommunications services throughout the state of Missouri.

On page one of its application, 2nd Century states that it requests the Commission "...to classify such [telecommunications] services and the Applicant [i.e., 2nd Century] as competitive." However, on page seven of its application, 2nd Century states that it

...requests classification as a competitive telecommunications company within the State of Missouri. Applicant believes that the services that it proposes to provide will be subject to sufficient competition to justify a lesser degree of regulation.

But in the prayer on page eleven of the application, 2nd Century requests "...classification as a competitive telecommunications company in Missouri."

These statements by 2nd Century are contradictory and confusing. Sections 386.020(9) and (10), RSMo 1998 Supp., distinguish between a competitive company and a competitive service. The sections state:

[As used in this chapter, the following phrases mean:] ...
(9) "Competitive telecommunications company", a telecommunications company which has been classified as such by the commission pursuant to section 392.361, RSMo;
(10) "Competitive telecommunications service", a telecommunications service which has been classified as such by the commission pursuant to section 392.361, RSMo, or which has become a competitive telecommunications service pursuant to section 392.370, RSMo....

In addition, Section 392.361(1), RSMo 1994, requires an applicant for a certificate of service authority for telecommunications authority to choose to have itself or its services classified as competitive. The section states, in part, that a telecommunications company "...may file with the commission a petition to be classified as a competitive telecommunications company...or to have [its] services classified as competitive...."

Commission Rule 4 CSR 240-2.060(1)(E) states, in part, that "[a]ll applications...shall include...a clear and concise statement of the relief requested." 2nd Century's application did not include a clear and concise statement of the relief requested regarding competitive classification.

The Commission cannot proceed with this case until 2nd Century
amends its application to make clear the relief it seeks.

BY THE COMMISSION

A handwritten signature in dark ink, reading "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Dated at Jefferson City, Missouri,
on this 8th day of December, 1999.

Hopkins, Senior Regulatory Law Judge

RECEIVED

DEC 03 1999

COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION