

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
November 9, 1999

CASE NO: TA-2000-304, TA-2000-305, TA-2000-311, TA-2000-313, TA-2000-315

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Missouri Public Service Commission  
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221 Bolivar St., P. O. Box 1069  
Jefferson City, MO 65102

**James F. Mauze/Thomas E. Pulliam**  
Ottsen, Mauze, Leggat, & Belz  
The Midvale Building  
12 South Hanley  
St. Louis, MO 63105-3418

Enclosed find certified copy of a NOTICE in the above-numbered case(s).

Sincerely,



**Dale Hardy Roberts**  
Secretary/Chief Regulatory Law Judge

**Uncertified Copy:**

**Louis Arthur**

BroadStream Corporation  
4513 Pin Oak Court  
Sioux Falls, SD 57103

To all Interexchange and basic local exchange telecommunications carriers in the State of Missouri.

**BEFORE THE PUBLIC SERVICE COMMISSION  
STATE OF MISSOURI**

**NOTICE OF APPLICATIONS  
FOR INTRASTATE CERTIFICATES OF SERVICE AUTHORITY  
AND OPPORTUNITY TO INTERVENE**

YOU ARE NOTIFIED THAT each applicant listed in the schedules accompanying this notice has applied to the Commission for a certificate of service authority to provide intrastate telecommunications services. The certificate requested may be for provision of: 1) interexchange, 2) nonswitched local exchange, or 3) basic local exchange telecommunications services, or a combination thereof under Sections 392.410 through 392.455<sup>1</sup>. Each applicant has requested competitive classification and either filed a proposed tariff with a 45-day effective date or requested a temporary waiver of 4 CSR 240-2.060(4)(H).

The Commission must find that the grant of service authority is in the public interest. § 392.440. Applications for authority to provide basic local services must comply with § 392.455. The Commission may classify a company as competitive if it finds that all the telecommunications services the company offers are competitive services. § 392.361.3. If the Commission's Staff makes a favorable recommendation and no request for hearing is filed, the Commission may act upon a verified application without hearing. State ex rel. Deffenderfer v. P.S.C., 776 S.W.2d 494 (Mo. App. 1989). The Commission ordinarily waives the application of the statutes and Commission rules listed below for competitive companies.

**WAIVERS FOR COMPETITIVE BASIC LOCAL EXCHANGE CARRIERS:**

| <u>Statutes</u> | <u>Commission Rules</u> |
|-----------------|-------------------------|
| 392.210.2       | 4 CSR 240-10.020        |
| 392.270         | 4 CSR 240-30.040        |
| 392.280         | 4 CSR 240-35            |
| 392.290.1       |                         |
| 392.300.2       |                         |
| 392.310         |                         |
| 392.320         |                         |
| 392.330         |                         |
| 392.340         |                         |

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<sup>1</sup> Statutory references are to the Revised Statutes of Missouri 1994 with the exception of §§ 392.330 and 392.455 found in the 1997 Supplement.

**WAIVERS FOR INTEREXCHANGE & NONSWITCHED LOCAL EXCHANGE CARRIERS:**

| <u>Statutes</u> | <u>Commission Rules</u> |
|-----------------|-------------------------|
| 392.240(1)      | 4 CSR 240-10.020        |
| 392.270         | 4 CSR 240-30.010(2)(C)  |
| 392.280         | 4 CSR 240-30.040        |
| 392.290         | 4 CSR 240-32.030(1)(B)  |
| 392.310         | 4 CSR 240-32.030(1)(C)  |
| 392.320         | 4 CSR 240-32.030(2)     |
| 392.330         | 4 CSR 240-32.050(3-6)   |
| 392.340         | 4 CSR 240-32.070(4)     |
|                 | 4 CSR 240-33.030        |
|                 | 4 CSR 240-33.040(5)     |

If an applicant requests waiver of a provision that is not listed, the request will be specifically noted in the Schedule of Applicants. If you wish to contest whether it is in the public interest to grant an applicant a certificate of service authority or competitive status, you may file a written application to intervene.

**PLEASE NOTE:** the intervention period for an interexchange or nonswitched local exchange application is 15 DAYS (unless otherwise noted); the intervention period for a competitive basic local exchange application is 30 DAYS (unless otherwise noted). Address your application to intervene to the Secretary of the Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri 65102, and serve copies on the applicant, the applicant's attorney, and all intervenors. You may obtain a copy of an application for service authority filed with the Commission by sending a written request to the Secretary at the above address.

**BY THE COMMISSION**

( S E A L )



**Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge**

Lewis Mills, Deputy Chief Regulatory  
Law Judge, by delegation of authority  
Pursuant to 4 CSR 240-2.120(1)  
(November 30, 1995) and Section 386.240,  
RSMo 1994.

Dated at Jefferson City, Missouri,  
on this 9th day of November, 1999.

**SCHEDULE OF APPLICANTS FOR BASIC LOCAL AND NONSWITCHED  
LOCAL EXCHANGE SERVICE AUTHORITY**

**Missouri Public Service Commission  
November 9, 1999**

**INTERVENTION DEADLINE: December 9, 1999**

**Case No. TA-2000-304**

**RLJ: Hopkins**

**Applicant:**

**BroadStream Corporation**

**4513 Pin Oak Court**

**Sioux Falls, South Dakota 57103**

**Tariff Effective: Waiver requested**

**Attorneys:**

**Charles Brent Stewart, Esq.**

**Stewart & Keevil, L.L.C.**

**1001 Cherry Street, Suite 302**

**Columbia, Missouri 65201**

**and**

**Louis Gurman, Esq.**

**Brenda Boykin, Esq.**

**Gurman, Blask & Freidman, Chartered**

**1400 Sixteenth Street, N.W.**

**Suite 500**

**Washington, D.C. 20003**

**with a copy to:**

**Laurie Arthur**

**BroadStream Corporation**

**4513 Pin Oak Court**

**Sioux Falls, South Dakota 57103**

Applicant requests a certificate of service authority to provide competitive facilities-based, resold basic local exchange services to nonresidential business customers in exchanges served by Southwestern Bell Telephone Company, GTE Midwest Incorporated, and Sprint Missouri, Inc. d/b/a Sprint. Applicant requests classification as a competitive company and the following waivers: 392.210.2, 392.270, 392.280, 392.290.1, 392.300.2, 392.310, 392.320, 392.340, 392.330, 4 CSR 240-10.020, 4 CSR 240-30.040, and 4 CSR 240-35.

**Case No. TA-2000-305**

**RLJ: Hopkins**

**Applicant:**

American Fiber Network, Inc.  
9401 Indian Creek Parkway  
Suite 140  
Overland Park, Kansas 66210

**Tariff Effective: Waiver requested**

**Attorney:**

Richard S. Brownlee, III, Esq.  
Hendren and Andrae, L.L.C.  
221 Bolivar Street  
P.O. Box 1069  
Jefferson City, Missouri 65102

Applicant requests a certificate of service authority to provide basic local exchange telecommunications services in exchanges served by Southwestern Bell Telephone Company, GTE Midwest Incorporated, and Sprint Missouri, Inc. d/b/a Sprint. Applicant requests classification as a competitive company and the following waivers: 392.210.2; 392.240.1; 392.270; 392.280; 392.290.1 [Note: Applicant did not request waiver of 392.290.2, a standard IXC waiver]; [Note: Applicant requested the waiver of 382.300.2 which deals with appeals from the Department of Insurance; the Commission has no authority to waive this statute]; 392.310; 392.320; 392.340; 392.330, RSMo Supp. 1998; 4 CSR 240-10.020; 4 CSR 240-30.010(2)(C); 4 CSR 240-30.040; 4 CSR 240-32.030(1)(B); 4 CSR 240-32.030(1)(C); 4 CSR 240-32.030(2); CSR 4 240-32.050(3-6); 4 CSR 240-32.070(4); 4 CSR 240-33.030; 4 CSR 240-33.040(5); and 4 CSR 240-35.

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**Case No. TA-2000-313**

**Regulatory Law Judge: Register**

**Applicant:**

Eagle Communications Missouri,  
Inc.  
60 East 56th Street  
New York, New York 10022

**Tariff Effective: Waiver Requested**

**Attorneys:**

James F. Mauze  
Thomas E. Pulliam  
Ottsen, Mauze, Leggat, & Belz  
The Midvale Building  
112 South Hanley  
St. Louis, Missouri 63105-3418

Applicant requests a certificate of service authority to provide basic local exchange telecommunications services in exchanges served by Southwestern Bell Telephone Company. Applicant requests classification as a competitive company and the standard waivers.

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**SCHEDULE OF APPLICANTS FOR INTEREXCHANGE AND  
NONSWITCHED LOCAL EXCHANGE SERVICE AUTHORITY**

**Missouri Public Service Commission  
November 9, 1999**

**INTERVENTION DEADLINE: November 24, 1999**

**Case No. TA-2000-305**

**RLJ: Hopkins**

**Applicant:**

American Fiber Network, Inc.  
9401 Indian Creek Parkway  
Suite 140  
Overland Park, Kansas 66210

**Tariff Effective: Waiver requested**

**Attorney:**

Richard S. Brownlee, III, Esq.  
Hendren and Andrae, L.L.C.  
221 Bolivar Street  
P.O. Box 1069  
Jefferson City, Missouri 65102

Applicant requests a certificate of service authority to provide intrastate interexchange telecommunications services, classification as a competitive company and the following waivers: 392.210.2; 392.240.1; 392.270; 392.280; 392.290.1 [Note: Applicant did not request waiver of 392.290.2, a standard IXC waiver]; [Note: Applicant requested the waiver of 382.300.2 which deals with appeals from the Department of Insurance; the Commission has no authority to waive this statute]; 392.310; 392.320; 392.340; 392.330, RSMo Supp. 1998; 4 CSR 240-10.020; 4 CSR 240-30.010(2)(C); 4 CSR 240-30.040; 4 CSR 240-32.030(1)(B); 4 CSR 240-32.030(1)(C); 4 CSR 240-32.030(2); CSR 4 240-32.050(3-6); 4 CSR 240-32.070(4); 4 CSR 240-33.030; 4 CSR 240-33.040(5); and 4 CSR 240-35.

Case No. TA-2000-311  
RLJ: Hopkins  
Applicant:  
New Edge Network, Inc.  
d/b/a New Edge Networks  
3000 Columbia House Boulevard  
Suite 106  
Vancouver, Washington 98661

Tariff Effective: December 13, 1999

Attorneys:  
Mary Ann (Garr) Young, Esq.  
William D. Steinmeier, P.C.  
2031 Tower Drive  
Jefferson City, Missouri 65109

and

Eric J. Branfman, Esq.  
Michael P. Donahue, Esq.  
Swidler Berlin Shereff Friedman, LLP  
3000 K Street, N.W., Suite 300  
Washington, D.C. 20007-5116

Applicant requests a certificate of service authority to provide all forms of resold and facilities-based intrastate interexchange and nonswitched local exchange telecommunications services in the state of Missouri. Applicant requests classification as a competitive company and the following waivers: 392.240(1), 392.270, 392.280, 392.290, 392.310, 392.320, 392.330, 392.340, 4 CSR 240-10.020, 4 CSR 240-30.010(2)(C), 4 CSR 240-30.040, 4 CSR 240-32.030(1)(B), 4 CSR 240-32.030(1)(C), 4 CSR 240-32.030(2), 4 CSR 240-32.050(3-6), 4 CSR 240-32.070(4), 4 CSR 240-33.030, and 4 CSR 240-33.040(5).

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Case No. TA-2000-315  
RLJ: Ruth  
Applicant:  
Adelphia Business Solutions  
Operations, Inc.  
Main at Water Street  
Coudersport, Pennsylvania 16915

Tariff Effective: December 17, 1999

Attorney:  
Charles Brent Stewart  
Stewart & Keevil, L.L.C.  
1001 Cherry Street, Suite 302  
Columbia, Missouri 65201

Applicant requests a certificate of service authority to provide intrastate interexchange and nonswitched local exchange telecommunications services. Applicant requests classification as a competitive company and the standard waivers.

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**STATE OF MISSOURI  
OFFICE OF THE PUBLIC SERVICE COMMISSION**

**I have compared the preceding copy with the original on file in this office and  
I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson  
City, Missouri, this 09th day of November 1999.**

*Dale Hardy Roberts*

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**Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge**

