



## Missouri Public Service Commission

Commissioners

SHEILA LUMPE  
Chair

M. DIANNE DRAINER  
Vice Chair

CONNIE MURRAY

ROBERT G. SCHEMENAUER

KELVIN L. SIMMONS

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.psc.state.mo.us>

February 26, 2001

BRIAN D. KINKADE  
Executive Director

GORDON L. PERSINGER  
Director, Research and Public Affairs

WESS A. HENDERSON  
Director, Utility Operations

ROBERT SCHALLENBERG  
Director, Utility Services

DONNA M. KOLILIS  
Director, Administration

DALE HARDY ROBERTS  
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-2000-709**

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of a **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,

Robert V. Franson  
Assistant General Counsel  
(573) 751-6651  
(573) 751-9285 (Fax)  
[drfranson@mail.state.mo.us](mailto:drfranson@mail.state.mo.us)

RVF:ccl  
Enclosure  
cc: Counsel of Record

**FILED<sup>2</sup>**  
FEB 26 2001

Missouri Public  
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>2</sup>

FEB 26 2001

Missouri Public  
Service Commission

In the Matter of the Application of )  
OnFiber Carrier Services, Inc., for )  
Authority to Provide and/or Resell Basic )  
Local, and Local Exchange and Intrastate )  
Interexchange Telecommunications )  
Service in the State of Missouri. )  
)

Case No. TA-2000-709

STAFF RECOMMENDATION

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

1. On April 28, 2000, OnFiber Carrier Services, Inc. (OnFiber) filed an Application for Authority to provide local exchange, basic local exchange and interexchange services.
2. On December 21, 2000, OnFiber filed an Amended Application deleting the reference to basic local service.
3. On January 9, 2001, OnFiber filed its Second Amended Application to correct other matters.
4. In the attached Memorandum, which is labeled Appendix A, the Staff recommends that the Missouri Public Service Commission (Commission) grant OnFiber Carrier Services, Inc., a certificate to provide interexchange telecommunications services and a certificate to provide local exchange telecommunications services restricted to dedicated private line 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 2000.)

35

5. 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 2000). All the services a competitive company provides must be classified as competitive. (See §392.361.3 RSMo 2000).

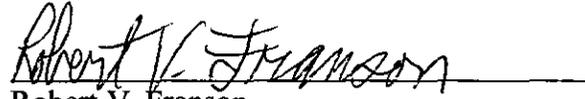
6. Staff further recommends that the Commission approve the standard waivers listed in the Notice of Application. The Commission may waive the application of its rules and certain statutes if the Commission determines that waiver is consistent with the purposes of Chapter 392 RSMo. (See §§ 392.361.3 and 392.420 RSMo 2000 and § 392.185 RSMo Supp. 2000).

7. In additions to waivers customarily requested in Applications for Interexchange Authority, OnFiber has requested the waiver of 4 CSR 240-32.030(4)(C), which required Local Exchange Carriers to file exchange boundary maps with the Commission. The waiver is not applicable to interexchange carriers and Staff recommends that the Commission not waive 4 CSR 240-32.030(4)(C) for OnFiber. Staff only recommends approval of the standard waivers listed in the Notice of Application.

WHEREFORE, the Staff recommends that the Commission grant OnFiber, a certificate to provide interexchange telecommunications services, a certificate to provide local exchange telecommunications services restricted to dedicated private line services, grant Applicant and its services competitive classification, approve Applicant's proposed tariff, PSC MO NO. 1, Original Title Page, Original Pages 1-35, with a proposed effective date of March 26, 2001, and approve the standard waivers listed in the Notice of Applications.

Respectfully submitted,

DANA K. JOYCE  
General Counsel



Robert V. Franson  
Assistant General Counsel  
Missouri Bar No. 34643

Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-8706 (Telephone)  
(573) 751-9285 (Fax)  
e-mail: [rfranson@mail.state.mo.us](mailto:rfranson@mail.state.mo.us)

### **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 26<sup>th</sup> day of February, 2001.



MEMORANDUM

To: Missouri Public Service Commission Official Case File  
Case No: TA-2000-709 File No: 200100643  
Applicant: OnFiber Carrier Services, Inc.

From: Walt Cecil WK  
Telecommunications Department

*[Handwritten signature]* 2/23/01 *[Handwritten signature]* 2/26/01  
Utility Operations Division/Date General Counsel's Office/Date

Subject: Staff Recommendation for Approval of Certificate

Date: 02/21/01

Date Assigned: 05/01/00

Staff Deadline: March 15, 2001

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:

- 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, Original Title Page, Original Pages 1-35, with a proposed effective date of March 26, 2001. 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

*[Handwritten initials]*  
02-23-01P01:59 RCVD

**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, such services are not inconsistent with 4 CSR 240-33.130.
- 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 Notice but not the application.**

**Services Offered in Initial Tariff**

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

Has proposed effective date been extended?  Yes  No

New effective date: March 26, 2001

Have substitute tariff sheets been filed?  Yes  No

Date of substitute sheets: February 14, 2001, February 21, 2001.

From	Initials	Date	Revised
Walt Cecil	WC	2/21/01	
Natelle Dietrich			

Case No. TA-2000-709

Page 3 of 3

Attachment

On April 28, 2000, OnFiber Carrier Services, Inc. (OnFiber) filed an Application for authority to provide local exchange, basic local exchange and interexchange services. On May 31, 2000, Southwestern Bell Telephone Company (SWBT) filed an Application To Intervene which was granted on June 19, 2000. On November 22, 2000 SWBT filed Southwestern Bell Telephone Company's Notice of Dismissal in which dismissal from the case was requested. The Commission granted SWBT's motion on November 30, 2000. On December 21, 2000 OnFiber filed an Amended Application in which the previous request to operate as a local exchange, basic local exchange, and interexchange provider was amended to delete reference to basic local service authority. On January 9, 2001, OnFiber filed a Second Amended Application to correct for other deficiencies.

In addition to waivers customarily requested in Applications For Interexchange Authority, OnFiber has requested the waiver of 4 CSR 240-32.030(4)(C), which requires Local Exchange Carriers to file exchange boundary maps with the Commission. This waiver is not applicable to interexchange carriers and the Telecommunications Department Staff recommends that the Commission not waive the 4 CSR 240-32.030(4)(C) for OnFiber. The list of requested waivers that appears in OnFiber's proposed tariff is correct and consists of those statutes and regulations that have previously been waived for other IXC's.

**Service List for**  
**Case No. TA-2000-709**  
**Revised: February 26, 2001 (ccl)**

**Office of the Public Counsel**  
**P.O. Box 7800**  
**Jefferson City, MO 65102**

**Kurt U. Schaefer**  
**Lathrop & Gage, L.C.**  
**326 E. Capitol Avenue**  
**Jefferson City, MO 65101**

**Paul S. DeFord**  
**Lathrop & Gage, L.C.**  
**2345 Grand Blvd., Suite 2500**  
**Kansas City, MO 64108**