

Bv
CR
Ro
Tw

2/2

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of USA eXchange)
LLC, d/b/a OMNIPLEX Communications Group for a)
Certificate of Service Authority to Provide) Case No. TA-97-506
Basic Local Exchange and Local Exchange)
Telecommunications Services in the State of)
Missouri.)

NOTICE OF APPLICATION TO AMEND
BASIC LOCAL CERTIFICATE OF SERVICE AUTHORITY

The Commission granted to USA eXchange LLC, d/b/a OMNIPLEX (Omniplex) a certificate of service authority to provide basic local and local exchange telecommunications services in Missouri by order issued on October 29, 1997. Omniplex was classified as a competitive company as permitted by Sections 392.361 and 392.420 RSMo.¹ The Commission also waived application of the following statutes and Commission rules for Omniplex:

Statutes

392.210.2
392.270
392.280
392.290.1
392.300.2
392.310
392.320
392.330, RSMo Supp. 1997
392.340

Commission Rules

4 CSR 240-10.020
4 CSR 240-30.040
4 CSR 240-35

In its original application, Omniplex requested authority to serve only those geographic areas currently served by Southwestern Bell Telephone Company (SWBT). On September 10, the Commission approved Omniplex's resale agreement with SWBT in Case No. TO-97-543, and on January 28, 1998, the

¹All statutory references are to the Revised Statutes of Missouri, 1994 unless otherwise indicated.

Commission approved Omniplex's tariff setting forth the rates, rules and regulations governing the resold services which Omniplex intends to offer in exchanges served by SWBT.

On January 14, Omniplex filed a motion to amend its application to modify its conditional certificate of service authority to include authority to provide basic local and local exchange telecommunications services in exchanges currently served by GTE Midwest Incorporated (GTE). Omniplex obtained approval for its resale agreement with GTE and GTE Arkansas in Case No. TO-98-193, on January 27.

In its motion, Omniplex did not request a waiver of the filing of a 45-day tariff as required by 4 CSR 240-2.060(4)(H). However, the Commission notes that Omniplex did not have an approved interconnection or resale agreement in place at the time it filed its motion. The Commission finds that Omniplex should be granted a waiver of the tariff filing requirement for 30 days. Omniplex shall file any motion seeking a longer waiver, and stating good cause therefore, within 15 days from the issuance of this order.

The Commission finds that notice of Omniplex's motion to amend its application and modify its conditional certificate of service authority should be sent to all certificated Missouri telecommunications companies, and that interested parties should have the opportunity to intervene. Applications to intervene should be submitted by March 2, 1998, to the Executive Secretary of the Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri 65102, and copies sent to:

Mark W. Comley
Newman, Comley & Ruth, P.C.
205 East Capitol Avenue
P.O. Box 537
Jefferson City, MO 65102-0537

Paul G. Lane
Southwestern Bell Telephone
Company
One Bell Center
St. Louis, MO 63101

If no one requests a hearing, the Commission may determine that no hearing is necessary and grant the authority requested based on GTE's motion. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989).

IT IS THEREFORE ORDERED:

1. That the Records Department of the Commission shall send notice of this application to all certificated Missouri telecommunications companies.

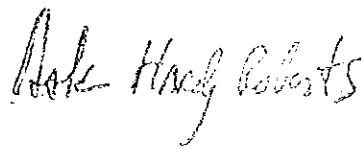
2. That parties wishing to intervene shall file an application to intervene no later than March 4, 1998.

3. That USA eXchange LLC, d/b/a OMNIPLEX shall file a tariff with a 45-day effective date no later than March 4, 1998.

4. That USA eXchange LLC, d/b/a OMNIPLEX shall file any request for further waiver of the 45-day tariff filing requirement set forth in 4 CSR 240-2.060(4)(H) no later than February 17, 1998.

5. That this order shall become effective on February 2, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Amy E. Randles, 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 2nd day of February, 1998.

RECEIVED

FEB 02 1998

**COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION**