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July 11, 2000

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Secretary/Chief Regulatory Law Judge

DANA K. JOYCE  
General Counsel

FILED<sup>3</sup>

JUL 11 2000

Missouri Public  
Service Commission

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-2000-785**

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,

Marc D. Poston  
Senior Counsel  
(573) 751-8901  
(573) 751-9285 (Fax)

MP/dkf  
Enclosure  
cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>3</sup>  
JUL 11 2000

Missouri Public  
Service Commission

In the Matter of the Application of KMC )  
Telecom V, Inc., for Certificates of )  
Service Authority to Provide Competitive )  
Resold Intrastate Interexchange )  
Telecommunications Services and Non- )  
Switched Local Exchange Services in the )  
State of Missouri. )

Case No. TA-2000-785

STAFF RECOMMENDATION

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

1. In the attached Memorandum, which is labeled Appendix A, the Staff recommends that the Missouri Public Service Commission ("Commission") grant KMC Telecom V, Inc. (Applicant) 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 sections 392.430 and 392.440 RSMo 1994).


2. 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 section 392.361.2 RSMo 1994). All the services a competitive company provides must be classified as competitive. (See section 392.361.3 RSMo 1994).

3. Staff further recommends that the Commission approve the waivers listed in the Commission's June 6, 2000, Notice of Applications. The Commission may waive the application of its rules and certain statutes if the Commission determines that the waiver is consistent with the purposes of Chapter 392 RSMo. (See sections 392.361.3 and 392.420 RSMo 1994 and section 392.185 RSMo Supp. 1999).

**WHEREFORE**, the Staff recommends that the Commission grant KMC Telecom V, Inc. a certificate to provide interexchange telecommunications services and a certificate to provide local exchange telecommunications services, restricted to dedicated, private line services; grant Applicant competitive classification; and approve the waivers listed in the Notice of Applications.

Respectfully submitted,

DANA K. JOYCE  
General Counsel



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Marc D. Poston  
Senior Counsel  
Missouri Bar No. 45722

Attorney for the Staff of the  
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### **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 11<sup>th</sup> day of July 2000.

Marc Poston

## MEMORANDUM

To: Missouri Public Service Commission Official Case File  
Case No: TA-2000-785 File No: na  
Applicant: KMC Telecom V, Inc.

From: Philip M. Garcia *PG*  
Telecommunications Department

*[Signature]* 7/3/00 *Man Porter* 7-10-00  
Utility Operations Division/Date General Counsel's Office/Date

Subject: Staff Recommendation for Approval of Certificate

Date: July 3, 2000

Date Assigned: May 25, 2000

Staff Deadline: na

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 waivers listed in the Notice.

Is there an attachment to this recommendation indicating any additional recommendations or special considerations? ☒ Yes ☐ No

**See Attachment A**

APPENDIX A

07-03-00P04:37 RCVD *MS*

### 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 application and Notice.

### Services Offered in Initial Tariff



1+



Private Line



800/888/877 Services



Debit Card



Directory Assistance



Travel Card



Operator Assistance



Other:

Has proposed effective date been extended? ☐ Yes ☐ No

New effective date:

Have substitute tariff sheets been filed: ☐ Yes ☐ No

Date of substitute sheets:

From	Initials	Date	Revised
Phil Garcia	pg	July 3, 2000	
Wm. Voight			
Mr. VanEschen			
Legal	WJ?	7-10-00	

**ATTACHMENT A**

Applicant has not submitted tariffs as it does not yet have approved interconnection agreement(s) with incumbent local exchange carriers. Company officials state that negotiations are currently underway.

Staff recommends approval of KMC Telecom V, Inc.'s application and that applicant be instructed to submit for Commission approval proper tariffs within 45 days after Commission approval of the required interconnection agreements.

Service List for  
Case No. TA-2000-785  
July 11, 2000

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