

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY**

October 5, 2000

CASE NO: TA-2000-664

Office of the Public Counsel

P.O. Box 7800
Jefferson City, MO 65102

Sheldon K. Stock, Esq.
Greensfelder, Hemker & Gale, P. C.
2000 Equitable Building
10 South Broadway
St. Louis, MO 63102

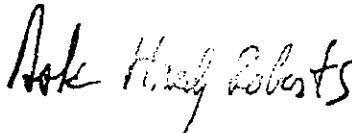
General Counsel

Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Gerard J. Waldron, Esq.
Mary Newcomer Williams, Esq.
Covington & Burling
1201 Pennsylvania Avenue, N. W.
Washington, D.C. 20004-2401

Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Pathnet, Inc.,)
for a Certificate of Service Authority to Provide) Case No. TA-2000-664
Interexchange and Local Exchange Telecommunica-) Tariff No. 200100197
tions Services.)

ORDER APPROVING TARIFF

Pathnet, Inc. (Pathnet), applied to the Missouri Public Service Commission (Commission) on April 19, 2000, for a certificate of service authority under Section 392.410 - .450, RSMo 1994, and RSMo Supp. 1999, to provide intrastate interexchange telecommunications services, and nonswitched local exchange telecommunications services restricted to dedicated private line services. The Commission approved Pathnet's certificate of service authority in an order issued June 19, 2000. In that order, Pathnet was directed to file its tariff by August 14, 2000.

Pathnet filed a letter on August 14, 2000, requesting to extend the date for filing the initial tariff from August 14, 2000, to August 21, 2000. The Commission issued an Order Directing Filing on August 16, 2000, directing Pathnet to file a motion for an extension of time to file its initial tariff, detailing the reason for its delay in filing the tariff. In the alternative, Pathnet was directed to file its initial tariff along with a motion for leave to file out of time.

On August 22, 2000, Pathnet filed a Motion for Leave to File Out of Time noting that its initial tariff was filed one day later than the designated period. Pathnet states that it had technical difficulties printing the tariff and that the tariff was filed as soon as the formatting issue was resolved. The delay was not intentional nor designed to purposely violate the rules of the Commission. Pathnet notes that allowing

H

it to file the tariff out of time will not be detrimental to the public interest. The Commission will grant Pathnet's request to file its tariff out of time.

On September 26, 2000, Staff filed its memorandum stating that Staff has examined the proposed filing and recommends approval. Staff notes that the proposed tariff complies with Commission rules and applicable statutes. The tariff offers only private line services, contains rate structures that are similar to those of similar carriers, and includes standardized promotional language. There were no interventions.

The Commission has reviewed the tariff filing, the Staff memorandum, and the official file, and finds that the tariff should be approved.

IT IS THEREFORE ORDERED:

1. That the tariff filed by Pathnet, Inc., on August 23, 2000, and assigned tariff number 200100197, is approved. The approved tariff is:

P.S.C. MO No. 1
Original Title Page
Original Page 1 through Original Page 65

2. That this order shall become effective on October 7, 2000.
3. That this case may be closed on October 8, 2000.

BY THE COMMISSION

(S E A L)



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Vicky Ruth, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 5th day of October, 2000.

FYI: To Be Issued By Delegati)

AL/Sec'y: Ruth Pope

9-29
Date Circulated

10-4
Return by 3 p.m.
10 am

74-2000-664
CASE NO.

SR
Lumpé, Chair

11/1/00
Drainer, Vice Chair

CM
Murray, Commissioner

AS
Schemenauer, Commissioner

ident
Simmons, Commissioner

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 5th day of Oct. 2000.

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

