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**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 23rd day of May, 1997.

In the Matter of the Application of Post-Newsweek Cable, Inc., for Permission, Approval, and a Certificate of Service Authority to Provide Competitive Interexchange and Local Exchange Telecommunications Services in the State of Missouri.)
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) **Case No. TA-97-388**
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**ORDER APPROVING INTEREXCHANGE AND LOCAL EXCHANGE
CERTIFICATES OF SERVICE AUTHORITY
AND ORDER APPROVING TARIFF**

Post-Newsweek Cable, Inc. (PNC) applied to the Public Service Commission on March 17, 1997, for certificates of service authority to provide intrastate interexchange and local exchange telecommunications services in Missouri under § 392.410 - .450, RSMo 1994¹. PNC asked the Commission to classify it as a competitive company and waive certain statutes and rules as authorized by §§ 392.361 and 392.420. Applicant is a Delaware corporation, with its principal office located at 4742 N. 24th St., Suite 270, Phoenix, Arizona 85016.

The Commission issued a Notice of Applications and Opportunity to Intervene on April 1, directing parties wishing to intervene in the case to file their requests by April 16. Since no one requested a hearing or permission to intervene, the Commission determines that no hearing is necessary. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989).

¹ All statutory references are to Revised Statutes of Missouri 1994.

PNC filed a proposed tariff with its application and filed substitute sheets on April 15, 18, 20, and May 7. The tariff's effective date was originally May 1 but was extended to May 29. PNC's tariff describes the rates, rules, and regulations it intends to use, identifies PNC as a competitive company, and lists the waivers requested. PNC intends to provide interexchange and local exchange telecommunications services including 1+ direct dial, 800 number, private line, debit card, and travel card services.

The Staff of the Commission (Staff) filed a memorandum on May 16, and filed an amended memorandum on May 19. Staff stated that Applicant's proposed services are similar to existing IXC offerings and recommended that the Commission grant Applicant a certificate of interexchange service authority, and a certificate of service authority for local exchange telecommunication services on condition that this authority be restricted to providing dedicated, non-switched local exchange private line services. Staff recommended that the Commission grant Applicant competitive status, and waiver of the statutes and rules listed in the Notice and approve the tariff as amended, to become effective on May 29.

The Commission finds that competition in the intrastate interexchange and local exchange telecommunications markets is in the public interest and Applicant should be granted a certificate of service authority. The Commission finds that the services Applicant proposes to offer are competitive and Applicant should be classified as a competitive company. The Commission is of the opinion that waiving the statutes and Commission rules set out in Ordered Paragraph 2 is reasonable and not detrimental to the public interest.

The Commission determines, by authority of § 392.470, that Applicant should comply with the following regulatory requirements as reasonable and necessary conditions of certification:

- (1) Applicant must comply with reasonable requests by Staff for financial and operating data to allow Staff to monitor the intraLATA toll market. § 386.320.3.
- (2) Applicant must file tariffs containing rules and regulations applicable to customers, a description of the services provided, and a list of rates associated with those services in accordance with 4 CSR 240-30.010 and § 392.220.
- (3) Applicant may not unjustly discriminate between its customers. §§ 392.200, 392.400.
- (4) Applicant must comply with all applicable rules of the Commission except those specifically waived by this order. §§ 386.570, 392.360.
- (5) Applicant must file a Missouri-specific annual report. §§ 392.210, 392.390.1.
- (6) Applicant must comply with jurisdictional reporting requirements as set out in each local exchange company's access services tariffs. § 392.390.3.
- (7) Applicant must submit to the staff, on a confidential basis, a copy of the jurisdictional report it submits to local exchange companies. The report must be submitted within ten (10) days of the date on which it is submitted to the local exchange company.

The Commission finds that PNC's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to

tariffs approved for other Missouri certificated interexchange and local exchange carriers. The Commission finds that the proposed tariff filed on March 17 should be approved, as amended, to become effective on May 29.

IT IS THEREFORE ORDERED:

1. That Post-Newsweek Cable, Inc. is granted a certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri, subject to the conditions of certification set out above.

2. That Post-Newsweek Cable, Inc. is granted a certificate of service authority to provide local exchange telecommunications services in the state of Missouri limited to providing dedicated, non-switched local exchange private line services, subject to the conditions of certification set out above.

3. That Post-Newsweek Cable, Inc. is classified as a competitive telecommunications company. The following statutes and regulatory rules shall be waived:

Statutes

392.240(1) - ratemaking
392.270 - valuation of property (ratemaking)
392.280 - depreciation accounts
392.290 - issuance of securities
392.310 - stock and debt issuance
392.320 - stock dividend payment
392.330 - issuance of securities, debts and notes
392.340 - reorganization(s)

Commission Rules

4 CSR 240-10.020 - depreciation fund income
4 CSR 240-30.010(2)(C) - rate schedules
4 CSR 240-30.040 - Uniform System of Accounts
4 CSR 240-32.030(1)(B) - exchange boundary maps
4 CSR 240-32.030(1)(C) - record keeping
4 CSR 240-32.030(2) - in-state record keeping
4 CSR 240-32.050(3) - local office record keeping

4 CSR 240-32.050(4) - telephone directories
4 CSR 240-32.050(5) - call intercept
4 CSR 240-32.050(6) - telephone number changes
4 CSR 240-32.070(4) - public coin telephone
4 CSR 240-33.030 - minimum charges rule
4 CSR 240-33.040(5) - financing fees

4. That the tariff filed by Post-Newsweek Cable, Inc. on March 17, 1997, is approved as amended, to become effective on May 29, 1997. The tariff approved is:

P.S.C. Mo. No. 1

5. That this order shall become effective on May 29, 1997.

BY THE COMMISSION



**Cecil I. Wright
Executive Secretary**

(S E A L)

Zobrist, Chm., Drainer and
Murray, CC., concur.
Crumpton, C., absent.

ALJ: Wickliffe