

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
June 16, 1998**

**CASE NO: TA-98-502**

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Jefferson City, MO 65102

**Charles Brent Stewart**  
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1001 Cherry Street, Suite 302  
Columbia, MO 65201

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

Sincerely,



**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

**Uncertified Copy:**

**NOW Communications, Inc.**  
713 Country Place Drive  
Jackson, MS 39208

**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF MISSOURI**

In the Matter of the Application of	)	
NOW Communications, Inc. for a Certificate of	)	
Service Authority to Provide Intrastate Inter-	)	<u>Case No. TA-98-502</u>
exchange Telecommunications Services to the	)	
Public Within the State of Missouri and for	)	
Competitive Classification.	)	
	)	

**ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY**  
**AND ORDER APPROVING TARIFF**

NOW Communications, Inc. (NCI) applied to the Public Service Commission on May 6, 1998, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994<sup>1</sup>. NCI asked the Commission to classify it as a competitive company and waive certain statutes and rules as authorized by Sections 392.361 and 392.420. NCI is a Mississippi corporation, with its principal office located at 713 Country Place Drive, Jackson, Mississippi 39208-6619.

The Commission issued a Notice of Applications and Opportunity to Intervene on May 12, directing parties wishing to intervene to file their requests by May 27. The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989). Since no one has asked permission to intervene or

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<sup>1</sup> All statutory references are to the Revised Statutes of Missouri 1994 unless otherwise indicated.

requested a hearing, the Commission may grant the relief requested based on the verified application.

NCI filed a proposed tariff in conjunction with its application and filed substitute sheets on June 1 and 10. The tariff's effective date is June 20. NCI's tariff describes the rates, rules, and regulations it intends to use, identifies NCI as a competitive company, and lists the waivers requested. NCI intends to provide interexchange telecommunications services including debit card services.

In its Memorandum filed on June 10, the Staff of the Commission stated that NCI's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant NCI a certificate of service authority, competitive status, and waiver of the statutes and rules listed in the Notice. Staff recommended that the Commission approve the proposed tariff as amended to become effective on June 20.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and NCI should be granted a certificate of service authority. The Commission finds that the services NCI proposes to offer are competitive and NCI should be classified as a competitive company. The Commission finds that waiving the statutes and Commission rules set out in the ordered paragraph below is reasonable and not detrimental to the public interest.

The Commission finds that NCI's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated interexchange carriers. The Commission finds that the proposed tariff filed on May 6, 1998 shall be approved as amended to become effective on June 20, 1998.

**IT IS THEREFORE ORDERED:**

1. That NOW Communications, Inc. is granted a certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri, subject to all applicable statutes and Commission rules except as specified in this order.

2. That NOW Communications, Inc. is classified as a competitive telecommunications company. Application of 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  
392.340 - reorganization(s)  
392.330, RSMo Supp. 1997 - issuance of securities,  
debts and notes

**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

3. That the tariff filed by NOW Communications, Inc. on May 6, 1998, is approved as amended to become effective on June 20, 1998. The tariff approved is:

**Mo. P.S.C. Tariff No. 1**

4. That this order shall become effective on June 20, 1998.
5. That this case shall be closed on June 29, 1998.

**BY THE COMMISSION**



**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

(S E A L)

Brian K. Harper, 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 16th day of June, 1998.

Atty/Sec'y:

Harper / Pope

Date Circulated

6-15

Return by 3 p.m.

6-18

CASE NO.

TA-98-502

Lumpke, Chair

Crumpton, Commissioner

Murray, Commissioner

Schmenauer, Commissioner

Drainer, Vice-Chair

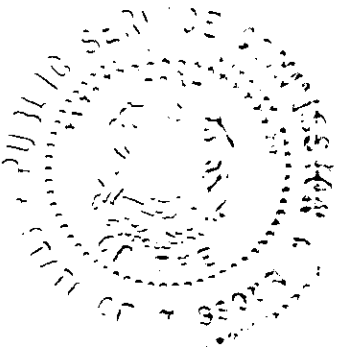
**STATE OF MISSOURI  
OFFICE OF THE PUBLIC SERVICE COMMISSION**

**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 15th day of June, 1998.**



Dale Hardy Roberts

**Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge**