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

In the Matter of the Application of )  
Intercontinental Communications Group, Inc. )  
d/b/a Fusion - Trucker Phone for a Certifi- ) Case No. TA-2000-259  
cate of Service Authority to Provide Competi- ) Tariff No. 200000287  
tive Intrastate Telecommunications Services )  
in Missouri. )

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

Intercontinental Communications Group, Inc., d/b/a Fusion - Trucker Phone (Fusion-Trucker), applied to the Public Service Commission on September 29, 1999, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994<sup>1</sup>. Fusion-Trucker 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. Fusion-Trucker is a Florida corporation, with its principal office located at 1801 South Federal Highway, Suite 305, Delray Beach, Florida 33483.

A Notice of Deficiency was issued on October 14, 1999, indicating that Fusion-Trucker's application was inconsistent with its proposed tariff. The Commission directed Fusion-Trucker to file an amended pleading or substitute tariff sheets by October 25, 1999. On October 25, 1999, Fusion-Trucker filed a Motion for Extension of Time to Respond to Commission Order, which was granted on October 26, 1999.

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

Fusion-Trucker filed substitute tariff sheets on October 26, 1999, to cure the deficiency.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on October 19, 1999, directing parties wishing to intervene to file their requests by November 3, 1999. 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 requested a hearing, the Commission may grant the relief requested based on the verified application.

Fusion-Trucker filed a proposed tariff in conjunction with its application and filed substitute sheets on October 26, 1999, November 3, 1999, November 29, 1999, and November 30, 1999. The tariff's effective date was extended from November 15, 1999, to December 17, 1999. Fusion-Trucker's tariff describes the rates, rules, and regulations it intends to use, identifies Fusion-Trucker as a competitive company, and lists the waivers requested. Fusion-Trucker intends to provide interexchange telecommunications services including 1+, Directory Assistance, Operator Assistance, Debit Card, and Travel Card services.

In its Memorandum filed on December 8, 1999, the Staff of the Commission (Staff) recommended that the Commission grant Fusion-Trucker a certificate of service authority, competitive status, and waiver of the statutes and rules listed in the Notice. Staff

indicated that Fusion-Trucker's proposed operator rates comply with Section 392.515(1), RSMo 1994, which creates a presumption of reasonability when a certain requirement is met. Staff also noted that Fusion-Trucker will have two fictitious names, as a tariff for this same company using a different fictitious name, Fusion Telecom, was approved effective September 27, 1999, with identical services and rates as those proposed by the applicant here. Staff recommended that the Commission approve the proposed tariff as amended to become effective on December 17, 1999.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Fusion-Trucker should be granted a certificate of service authority. The Commission finds that the services Fusion-Trucker proposes to offer are competitive and Fusion-Trucker 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 Fusion-Trucker's proposed tariff details the services, equipment, and pricing it proposes to offer. The Commission finds that the proposed tariff filed on September 29, 1999, shall be approved as amended to become effective on December 17, 1999.

**IT IS THEREFORE ORDERED:**

1. That Intercontinental Communications Group, Inc., d/b/a Fusion - Trucker Phone, 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 Intercontinental Communications Group, Inc., d/b/a Fusion - Trucker Phone, 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. 1998 - 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 Intercontinental Communications Group, Inc., d/b/a Fusion - Trucker Phone, on September 29, 1999, and assigned Tariff File No. 200000287, is approved as amended to become effective on December 17, 1999. The tariff approved is:

P.S.C. MO. No. 1  
Original Title Sheet  
Original Sheet 1 through Original Sheet 56

4. That this order shall become effective on December 17, 1999.

5. That this case may be closed on December 20, 1999.

BY THE COMMISSION



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

( S E A L )

Vicky Ruth, 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 14th day of December, 1999.

**R E C E I V E D**

DEC 4 1999

COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION