

11/03

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of FairPoint)
Communications Corp. for a Certificate of)
Service Authority to Provide Interexchange) Case No. TA-2000-515
and Local exchange Telecommunications Services) Tariff No. 200000754
and to Classify Said Services and the Company)
as Competitive.)

ORDER APPROVING INTEREXCHANGE AND NONSWITCHED LOCAL EXCHANGE
CERTIFICATES OF SERVICE AUTHORITY AND ORDER APPROVING TARIFF

FairPoint Communications Corp. (FairPoint or Applicant) applied to the Public Service Commission on February 22, 2000, for certificates of service authority to provide intrastate interexchange and nonswitched local exchange telecommunications services in Missouri under Section 392.410-.450, RSMo 1994, and RSMo Supp. 1999.¹ FairPoint 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. FairPoint is a Delaware corporation with its principal office located at 6324 Fairview Road, 4th Floor, Charlotte, North Carolina 28210.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on February 29, 2000, directing parties wishing to intervene to file their requests by March 15, 2000. The requirement for a hearing is met when the opportunity for hearing has been provided and no proper

¹ All further statutory references are to the Revised Statutes of Missouri 1994 unless otherwise indicated.

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 application.

FairPoint filed a proposed tariff in conjunction with its application and filed substitute sheets on March 16, 2000, and March 23, 2000. The tariff's original effective date was April 7, 2000. On April 6, 2000, FairPoint extended the effective date for thirty days and filed additional tariff pages which had been inadvertently omitted from its original filing.

FairPoint's tariff describes the rates, rules, and regulations it intends to use, identifies FairPoint as a competitive company, and lists the waivers requested. FairPoint intends to provide inter-exchange and nonswitched local exchange telecommunications services including 1+, 800/888/877: Services, Directory Assistance, Operator Assistance, Private Line, and Travel Card Services.

In its Amended Staff Recommendation filed on April 14, 2000, the Staff of the Commission (Staff) recommended that the Commission grant FairPoint 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, nonswitched local exchange private line services. Staff noted that new rules 4 CSR 240-32.030(4)(C) and 4 CSR 240-32.030(4)(A)2 have replaced 4 CSR 240-32.030(1)(B) and 4 CSR 240-32.030(1)(C). Therefore, Staff recommended that the Commission

grant FairPoint competitive status, and waiver of the statutes and rules listed in the Notice with the substitution of the new rule cites in the list of waivers. Staff recommended that the Commission approve the proposed tariff as amended to become effective as soon as possible as requested by the Applicant.

The Commission finds that competition in the intrastate interexchange and nonswitched local exchange telecommunications markets is in the public interest and FairPoint should be granted certificates of service authority. The Commission finds that the services FairPoint proposes to offer are competitive and FairPoint 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 FairPoint's proposed tariff details the services, equipment, and pricing it proposes to offer. The Commission finds that the proposed tariff filed on February 22, 2000, shall be approved as amended to become effective as ordered below.

IT IS THEREFORE ORDERED:

1. That FairPoint Communications Corp. 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 FairPoint Communications Corp. is granted a certificate of service authority to provide local exchange telecommunications services in the state of Missouri limited to providing

dedicated, nonswitched local exchange private line services, subject to all applicable statutes, and Commission rules except as specified in this order.

3. That FairPoint Communications Corp. 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. 1999 - 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(2) - in-state record-keeping
- 4 CSR 240-32.030(4)(A)2 - record-keeping
- 4 CSR 240-32.030(4)(C) - exchange boundary maps
- 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 FairPoint Communications Corp. on February 22, 2000, and assigned Tariff File No. 200000754, is approved as amended to become effective on April 28, 2000. The tariff approved is:

PSC Mo. No. 1

Original Sheet 1 through Original Sheet 48

5. That this order shall become effective on April 28, 2000.
6. That this case may be closed on May 1, 2000.

BY THE COMMISSION



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

(S E A L)

Nancy Dippell, Senior 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 18th day of April, 2000.