

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
October 12, 2000**

CASE NO: TA-2000-323; TO-20001-134

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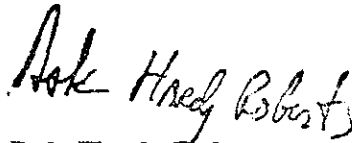
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Enclosed find certified copy of an ORDER in the above-numbered case(s).

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 2nd Century
Communications, Inc. for a Certificate of)
Service Authority to Provide Basic Local) **Case No. TA-2000-323**
Telecommunications Services in the State of) **Tariff No. 200100252**
Missouri and to Classify Such Services and the)
Company as Competitive)

In the Matter of 2nd Century Communications,)
Inc.'s Request for Recognition of its Name) **Case No. TO-2001-134**
Change to 2nd Century Communications Group, Inc.) **Tariff No. 200100253**

(Consolidated)

SECOND ORDER RECOGNIZING CHANGE OF CORPORATE NAME AND APPROVING REVISED TARIFF

Case number TA-2000-323 resulted from 2nd Century Communications, Inc. (2nd Century) filing with the Missouri Public Service Commission (Commission) on September 6, 2000, a motion to reopen the case and to amend 2nd Century's conditional certificate of service authority to provide telecommunications services to reflect the change in its Missouri corporate name to 2nd Century Communications Group, Inc. A proposed tariff with an effective date of October 21, 2000, was also filed in this case and was assigned tariff number 200100252.

Case number TO-2001-134 is a request by 2nd Century for the Commission to recognize the change in its Missouri corporate name to 2nd Century Communications Group, Inc. An adoption notice and a revised title tariff sheet, with an effective date of October 7, 2000, were also filed in this case and assigned tariff number 200100253.

On September 14, 2000, since both cases involved the same party and the same issue, i.e., the name change from 2nd Century Communications, Inc.

to 2nd Century Communications Group, Inc., the Commission consolidated the cases for all purposes, with case number TA-2000-323 being the lead case. In addition, the Staff of the Commission (Staff) was ordered to file its recommendation in both cases no later than September 25, 2000.

In case number TA-2000-323, substitute tariff sheets were filed by 2nd Century on September 19, 2000, and on October 3, 4, and 6, 2000.

The Staff filed a recommendation with an attached memorandum on September 26, 2000. Although Staff was ordered to file a recommendation on both cases, its pleading only covered case number TO-2001-134, stating that the tariff in TA-2000-323 was "under review." Staff's recommendation stated that it had reviewed 2nd Century's filing and revised tariff and had no objection to its approval in case number TO-2001-134. Staff recommended that the name change be recognized and the revised tariff in case number TO-2001-134, assigned tariff number 200100153, be approved to become effective October 7, 2000.

On the same day, Staff also filed its motion to file its recommendation out of time, alleging that the late-filing was due to inadvertence and also that the granting of its motion would not prejudice any other party.

Commission Rule 4 CSR 240-2.080(3) states, in part: "Each pleading shall include a...specific reference to the statutory provision or other authority under which relief is requested." Staff's motion to file its recommendation out of time did not comply with Commission Rule 4 CSR 240-2.080(3) in that it did not include a specific reference to the statutory provision or other authority under which relief is requested. Staff should have cited Commission Rule 4 CSR 240-2.050(3)(B) which states, in part:

When an act is required...to be done by order...of the commission at or within a specified time, the commission, at its discretion, may...[a]fter the expiration of the specified

period, permit the act to be done where the failure to act was the result of excusable neglect.

The motion did not address the issue of excusable neglect nor the issue of why the recommendation was incomplete. Thus, on September 29, 2000, the Commission entered its order directing Staff to comply with its previous order as set forth above and to do so no later than October 4, 2000.

On October 4, 2000, Staff filed its motion for extension of time in case number TA-2000-323. Staff argued:

[that Staff] has not been able to complete its analysis due to circumstances beyond its control. Staff respectfully requests that the Commission grant it until [no later than] October 11, 2000, or seven...working [days] before the effective date of the tariff [i.e., October 21, 2000], to file its recommendation, as provided for by Internal Procedure No. 34. IP-34.6 [which] states in relevant part that "[a] Staff pleading addressing a tariff sheet shall be filed no later than 3:00 p.m. on the seventh (7th) working day (excluding holidays) prior to the effective date of the tariff...."

Staff's motion for extension of time was granted on October 5, 2000, and the Commission ordered that Staff should file its recommendation no later than October 10, 2000.

The Commission recognized the change of name and approved the revised tariff reflecting the change of name in case number TO-2001-134, also on October 5, 2000.

On October 10, 2000, Staff filed its recommendation in case number TA-2000-323 with a memorandum attached as Appendix A. Staff stated that it had reviewed 2nd Century's proposed competitive local exchange company (CLEC) tariff and finds that it conforms to the Commission's standards as set forth in the certification order issued on June 8, 2000, in case number TA-2000-323 (certification order). Staff's memorandum stated that 2nd Century's proposed CLEC tariff covers the provision of resale and facilities-based telecommunications services for the use of business customers. According to Staff, 2nd Century's proposed tariff contains a

list of the approved waivers listed in the certification order; sections on additional obligations of 2nd Century, its products, and its services; and a description of services, beginning on page 24, and local calling areas, beginning on page 51, in which 2nd Century will provide service.

Customers will be able to place or receive calls to access E-911 emergency service, operator assistance, directory assistance, and place or receive calls within the SWBT and GTE exchanges, Staff's memorandum stated.

2nd Century, Staff stated, proposes to charge for local business service, i.e., a recurring and non-recurring charge ranging from \$45 to \$35 for business customers. Staff's memorandum continues that 2nd Century proposes to provide vertical services such as caller ID and call blocking.

Staff stated that 2nd Century submitted substitute sheets at Staff's request on October 3, 2000, October 4, 2000, and October 6, 2000¹. These substitute sheets, Staff's memorandum stated, were reviewed and found acceptable. The specific tariff sheets recommended by Staff for approval are 2nd Century P.S.C. Mo. No. 1, Original Sheet No. 1 through Original Sheet 51, and P.S.C. Mo. No. 3, Original Sheet No. 1 through Original Sheet No. 2. The Staff memorandum pointed out that 2nd Century concurs with the rates, terms, and conditions of the access services and regulations tariff of Southwestern Bell. The Staff concludes that it has reviewed 2nd Century's proposed CLEC tariff, and has no objection to Commission approval of the proposed tariff, as amended.

The Commission has reviewed 2nd Century's filings in case number TA-2000-323 and the revised tariff, assigned tariff number 200100252, and has also reviewed Staff's recommendation, and finds that the change of name should be recognized and that the revised tariff reflecting the change of name should be approved.

¹ Staff does not mention the substitute tariff sheet filed on September 19, 2000.

IT IS THEREFORE ORDERED:

1. That the revised tariffs in case number TA-2000-323, filed on September 6, 2000, and assigned tariff number 200100252, as amended by substitute tariff sheets filed September 19, 2000, and on October 3, 2000, October 4, 2000, and October 6, 2000, and denominated

P.S.C. Mo. No. 1, Original Sheet No. 1 through Original Sheet 51

and

P.S.C. Mo. No. 3, Original Sheet No. 1 through Original Sheet No. 2

are approved to become effective on October 21, 2000.

2. That this order shall become effective on October 21, 2000.

3. That this case may be closed on October 22, 2000.

BY THE COMMISSION



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

(S E A L)

Bill Hopkins, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 12th day of October, 2000.

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 12th day of Oct. 2000.



Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge