

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
December 22, 2000**

**CASE NO: TA-2000-509**

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Missouri Public Service Commission  
P.O. Box 360  
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**Enclosed find certified copy of an ORDER in the above-numbered case(s).**

**Sincerely,**

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, flowing style.

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

**Uncertified Copy:**

**OF THE STATE OF MISSOURI**

Case No. TA-2000-509

## AND LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES

## Procedural History

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

the waiver of provisions of any additional statutes or rules of the Commission. MCS stated that it simply seeks to add the exchanges served by ALLTEL, Verizon and Sprint to MCS' certificated service territory. MCS is a Texas corporation with principal offices located at 6830 Walling Lane, Dallas, Texas 75231.

The Commission issued a notice and schedule of applicants on February 29, 2000, directing interested parties wishing to intervene to do so by March 30, 2000. On April 13, 2000 and November 21, 2000, MCS filed its first and second amended applications.

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 requested intervention or a hearing in this case, the Commission may grant the relief requested based on the application.

MCS seeks certification to provide basic local and exchange access telecommunications services in portions of Missouri that are currently served by ALLTEL, Verizon and Sprint. MCS is not asking for certification in any area that is served by a small incumbent local exchange carrier. MCS proposes to provide service in the exchanges currently served by ALLTEL, as listed in Exhibit 3 in the second amended application, and in the exchanges currently served by Verizon and Sprint, as listed in Exhibit 2 of the original application and incorporated into the first and second amended applications.

Commission Rule 4 CSR 240-2.060(4) requires a foreign corporation applying for certification to provide telecommunications services to include in its application a certificate from the Secretary of State showing that it is authorized to do business in Missouri, a description of the types of service it intends to provide, a description of the exchanges

where it will offer service, and a proposed tariff with a 45-day effective date. MCS has provided all the required documentation except for the proposed tariff. In its first amended application to amend certificate of service authority filed on April 13, 2000, MCS requested a temporary waiver of 4 CSR 240-2.060(4)(H) until it has entered into an interconnection agreement with the underlying local exchange carrier and that agreement has been approved by the Commission. MCS stated that it intends to supply its proposed tariffs to the Commission with at least a 30-day effective date at or near the time its interconnection agreements are approved.

On November 29, 2000, the Staff of the Missouri Public Service Commission (Staff) filed its recommendation that the Commission issue an order approving the proposed application as amended to expand the service area of MCS subject to the appropriate interconnection agreement with ALLTEL, and the filing of appropriate tariffs. Staff noted that MCS' Resale and Interconnection Agreement with Verizon was approved on March 10, 2000, in Case No. TO-2000-423 and that MCS' Resale and Interconnection Agreement with Sprint was approved on June 9, 2000, in Case No. TO-2000-620. Staff stated that MCS currently serves in Missouri under Mo. P.S.C No. 1 Resale of Local Service Tariff, effective January 5, 1998. Staff stated that it had reviewed the proposed application as amended and had no objections to the Commission's approval. Staff stated that it is unaware of any pending filings that may affect, or be affected by, this filing.

The Commission has reviewed the application, as amended, and Staff's recommendation and finds that it is just and reasonable that MCS' certificate of service authority to provide basic local and local exchange telecommunications services be amended to include those exchanges served by ALLTEL, Verizon and Sprint subject to approval of interconnection agreements and tariffs submitted to the Commission.

**IT IS THEREFORE ORDERED:**

1. That the certificate of service authority to resell basic exchange and local exchange intrastate telecommunications services within the state of Missouri granted to Comm South Companies, Inc. f/k/a Onyx Distributing Company, Inc. d/b/a Missouri Comm South, Inc. shall be amended to include those exchanges served by ALLTEL Missouri, Inc., GTE Midwest Incorporated d/b/a Verizon Midwest and Sprint Missouri, Inc. d/b/a Sprint.

2. That the request for waiver of 4 CSR 240-2.060(4)(H), which requires the filing of a 45-day tariff, is granted.

3. That Comm South Companies, Inc. d/b/a Missouri Comm South, Inc. shall file tariff sheets in a new file with a minimum 45-day effective date reflecting the rates, rules, regulations and the services it will offer within 30 days after the effective date of this Commission order or within 30 days after the effective date of the Commission order approving the interconnection agreement that will allow Comm South Companies, Inc. d/b/a Missouri Comm South, Inc. to provide services.

4. That Comm South Companies, Inc. d/b/a Missouri Comm South, Inc. shall give notice of the filing of the tariffs described above to all parties or participants in this case. In addition, Comm South Companies, Inc. d/b/a Missouri Comm South, Inc. shall file a written disclosure of all interconnection agreements which affect its Missouri service areas.

5. That this order shall become effective on January 1, 2001.

6. That this case may be closed on January 2, 2001.

**BY THE COMMISSION**

A handwritten signature in black ink, reading "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

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

( S E A L )

Shelly A. Register, Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,  
on this 22nd day of December, 2000.

FYI: To Be Issued By Delegation

ALJ/Sec'y: Registor/Boyce

12-20

Date Circulated

12-26

Return by 3:00 pm

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TA-2000-509

CASE NO.

ALJ 4  
Lumpe, Chair

DR  
Drainer, Vice Chair

MC  
Murray, Commissioner

SC  
Schemenauer, Commissioner

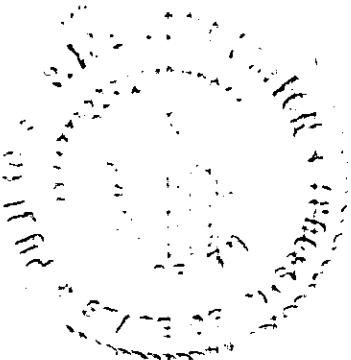
KS  
Simmons, Commissioner

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 22<sup>nd</sup> day of December 2000.



Dale Hardy Roberts

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge