

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
January 25, 2000**

CASE NO: TA-2000-390

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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)	
IP Communications Corporation, d/b/a)	
IP Communications of the Southwest)	
Corporation for a Certificate of)	
Service Authority to Provide)	Case No. TA-2000-390
Interexchange and Non-Switched Local)	Tariff File No. 200000594
Exchange Telecommunications Service)	
in the State of Missouri and to Classify)	
Said Company as Competitive.)	

**ORDER APPROVING INTEREXCHANGE AND
NON-SWITCHED LOCAL EXCHANGE CERTIFICATES
OF SERVICE AUTHORITY AND ORDER APPROVING TARIFF**

IP Communications Corporation, d/b/a IP Communications of the Southwest Corporation (IP) applied to the Public Service Commission on December 28, 1999, for certificates of service authority to provide interexchange and non-switched local exchange telecommunications services in Missouri under Sections 392.410-.450, RSMo 1994 and RSMo Supp. 1999¹. IP 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. IP is a Texas corporation, with its principal office located at 17300 Preston Road, Suite 300, Dallas, Texas 75252.

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

The Commission issued a Notice of Applications and Opportunity to Intervene on January 4, 2000, directing parties wishing to intervene to file their requests by January 19. 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.

IP filed a proposed tariff in conjunction with its application and filed substitute sheets on January 5. The tariff's effective date is February 11. IP's tariff describes the rates, rules, and regulations it intends to use, identifies IP as a competitive company, and lists the waivers requested. IP intends to provide interexchange and non-switched local exchange telecommunications services including private line services.

In its Recommendation and Memorandum filed on January 20, the Staff of the Commission stated that IP's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant IP 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, non-switched local exchange private line services. Staff recommended that the Commission grant IP 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 February 11.

The Commission finds that competition in the interexchange and non-switched local exchange telecommunications markets is in the public interest and IP should be granted certificates of service authority. The Commission finds that the services IP proposes to offer are competitive and IP 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 IP's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated interexchange and non-switched local exchange carriers. The Commission finds that the proposed tariff filed on December 28 shall be approved as amended to become effective on February 11.

IT IS THEREFORE ORDERED:

1. That IP Communications Corporation, d/b/a IP Communications of the Southwest Corporation 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 IP Communications Corporation, d/b/a IP Communications of the Southwest Corporation is granted a certificate of service authority to provide local exchange telecommunications services in the state of Missouri limited to providing dedicated, non-switched local exchange private line services, subject to all applicable statutes and Commission rules except as specified in this order.

3. That IP Communications Corporation, d/b/a IP Communications of the Southwest Corporation 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(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

4. That the tariff filed by IP Communications Corporation, d/b/a IP Communications of the Southwest Corporation on December 28, 1999, and assigned tariff number 200000594 is approved as amended to become effective on February 11, 2000. The tariff approved is:

P.S.C. Mo. No. 1

5. That this order shall become effective on February 11, 2000.
6. That this case may be closed on February 14, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Morris L. Woodruff, 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 25th day of January, 2000.

FYI: To Be Issued By Delegation

Atty/Sec'y: Woodruff/Dave

Date Circulated 1-21 Return by 1-26
10am

CASE NO. TA-2000-390

XPS
Lumpke, Chair

Alent
Crumpton, Commissioner

MS
Murray, Commissioner

MS
Schemenauer, Commissioner

MS
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 25TH day of January 2000.

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

