

NW

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Kataman)
Communications, L.L.C. for a Certificate of)
Service Authority to Provide Intrastate) Case No. TA-99-565
Interexchange Telecommunications Services) Tariff No. 9900887
within the State of Missouri and for)
Competitive Classification)
)

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY
AND ORDER APPROVING TARIFF

Kataman Communications, L.L.C. (Kataman), applied to the Public Service Commission on May 19, 1999, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994¹. Kataman 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. Kataman is a Missouri corporation, with its principal office located at 7700 Bonhomme, Suite 550, St. Louis, Missouri 63105-1923.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on May 25, 1999, directing parties wishing to intervene to file their requests by June 9, 1999. The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has

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

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.

Kataman filed a proposed tariff in conjunction with its application with an effective date of July 5, 1999. Substitute sheets were filed on June 11, 1999. Kataman's tariff describes the rates, rules, and regulations it intends to use, identifies Kataman as a competitive company, and lists the waivers requested. Kataman intends to provide interexchange telecommunications services, including 1+ and Operator Assistance.

In its Memorandum filed on June 18, 1999, the Staff of the Commission (Staff) stated that Kataman's proposed services are similar to existing interexchange telecommunications offerings. Staff recommended that the Commission grant Kataman a certificate of service authority, competitive status, and waiver of the statutes and rules listed in the Notice. Staff recommended that the Commission approve the proposed tariff to become effective on July 5, 1999. Staff also recommended that a certificate for the authority to provide local exchange telecommunications services be restricted to dedicated, private line services.

Staff also noted that Kataman requested a rule waiver, or at least permission to omit the standard operator services tariff language, for Kataman's provision of Corrections Facility/Inmate MTS Service, consistent with prior Commission decisions.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Kataman should be granted a certificate of service authority. The Commission finds that the services Kataman proposes to offer are competitive and Kataman 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 also finds that Kataman's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated interexchange carriers. The Commission further finds that the proposed tariff filed on May 19, 1999, with substitute sheets filed June 11, 1999, should be approved to become effective on July 5, 1999.

With regard to the requested "waiver" of statutes and Commission rules regarding operator services, the Commission finds that the omission in Kataman's tariff of "standard" operator service language is appropriate under the circumstances. The Commission also notes that it has previously permitted omission of the same standard operator service language for prison payphone service. See *In re: T-NETIX*, Case Number TA-98-269 (issued February 10, 1998).

IT IS THEREFORE ORDERED:

1. That Kataman Communications, L.L.C. 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 Kataman Communications, L.L.C. 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 Kataman Communications, L.L.C. 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

4. That the tariff filed by Kataman Communications, L.L.C. on May 19, 1999, with substitute sheets filed on June 11, 1999, and assigned Tariff File No. 9900887, is approved to become effective on July 5, 1999. The tariff approved is:

P.S.C. Mo. No. 1

5. That this order shall become effective on July 5, 1999.
6. That this case may be closed on July 6, 1999.

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 4 CSR 240-2.120(1) (November 30,
1995) and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 23rd day of June, 1999.

RECEIVED
JUN 23 1939
COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION