

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 27th
day of September, 1995.

In the matter of the application of GTE)
Telecommunication Services Incorporated)
for a certificate of service to operate) CASE NO. TA-95-285
as an interexchange telecommunications)
resale carrier statewide within the state)
of Missouri.)

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY AND
ORDER APPROVING TARIFF

GTE Telecommunications Services Incorporated (GTE TSI) applied to the Public Service Commission on March 23, 1995, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under § 392.440 RSMo 1994¹. GTE TSI asked the Commission to classify it as a competitive company and waive certain statutes and rules as authorized by §§ 392.361 and 392.420. Applicant is a Delaware corporation, with its principal office at 201 North Franklin Street, Tampa, Florida 33602.

The Commission issued a Notice and Schedule of Applicants on April 4, 1995, directing parties wishing to intervene in the case to do so by April 19, 1995. Competitive Telecommunications Association of Missouri (CompTel-Mo) applied for intervention on April 19, 1995; GTE TSI filed an objection on May 2, 1995. The Commission granted CompTel-Mo's application to intervene on May 15, 1995. On May 26, 1995, the Commission issued an order setting an early prehearing conference for June 26, 1995, and setting

¹All statutory references are to Revised Statutes of Missouri 1994.

the case for hearing on September 26, 1995. The prehearing conference was later rescheduled to July 18, 1995, and finally cancelled when the parties indicated they had reached agreement. CompTel-Mo withdrew its intervention on August 23, 1995. The Commission issued an order on September 1, 1995, stating that, since the only intervenor had withdrawn, the case would be treated as an uncontested matter and directing the Commission Staff to file a recommendation within 30 days regarding the application for certificate of service authority to provide interexchange services.

GTE TSI filed a proposed tariff on September 1, 1995, and filed substitute sheets on September 25, 1995. The tariff's effective date is October 1, 1995. GTE TSI's tariff describes the rates, rules, and regulations it intends to use, identifies GTE TSI as a competitive company, and lists the waivers requested. GTE TSI intends to provide interexchange telecommunications services including "1+" long distance, 800 number, private line, and directory assistance services.

In its Memorandum filed September 26, 1995, the Staff of the Commission stated that Applicant's proposed services are the same or equivalent to those classified as competitive in Case No. TO-88-142, *In re the investigation for the purpose of determining the classification of the services provided by interexchange telecommunications companies within the State of Missouri*, 30 Mo. P.S.C. (N.S.) 16 (September 1989). Staff's memorandum included an attachment from legal counsel stating GTE TSI is not a GTE Operating Company and therefore is not prohibited from operating as a switchless reseller of long distance telecommunications services by the Consent Decree in *United States of America v. GTE Corporation*, Civil Action No. 83-1298 (Dec. 21, 1984.) Staff recommended that the Commission grant Applicant a certificate of service authority, competitive status, and

waiver of the statutes and rules listed in the Notice. Staff also recommended that the Commission waive application of 4 CSR 240-33.040(5) (finance fee). Staff recommended that the Commission approve the tariff as amended, effective October 1, 1995. The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Applicant is eligible for, and should be granted, a certificate of service authority. The Commission finds that the services Applicant proposes to offer are competitive and Applicant should be classified as a competitive company. The Commission is of the opinion that waiving the statutes and Commission rules set out in Ordered Paragraph 2 is reasonable and not detrimental to the public interest.

The Commission determines, by authority of § 392.470, that Applicant should comply with the following regulatory requirements as reasonable and necessary conditions of certification:

- (1) Applicant must comply with reasonable requests by Staff for financial and operating data to allow Staff to monitor the intraLATA toll market. § 386.320.3.
- (2) Applicant must file tariffs containing rules and regulations applicable to customers, a description of the services provided, and a list of rates associated with those services in accordance with 4 CSR 240-30.010 and § 392.220.
- (3) Applicant may not unjustly discriminate between its customers. §§ 392.200, 392.400.
- (4) Applicant must comply with all applicable rules of the Commission except those specifically waived by this order. §§ 386.570, 392.360.
- (5) Applicant must file a Missouri-specific annual report. §§ 392.210, 392.390.1.

- (6) Applicant must comply with jurisdictional reporting requirements as set out in each local exchange company's access services tariffs. § 392.390.3.
- (7) Applicant must submit to the staff, on a confidential basis, a copy of the jurisdictional report it submits to local exchange companies. The report must be submitted within ten (10) days of the date on which it is submitted to the local exchange company.

The Commission finds that GTE TSI'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 finds that the proposed tariff filed on September 1, 1995, and amended on September 25, 1995, should be approved, effective October 1, 1995.

IT IS THEREFORE ORDERED:

1. That GTE Telecommunications Services Incorporated be 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 GTE Telecommunications Services Incorporated be classified as a competitive telecommunications company. 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
- 392.330 - issuance of securities, debts and notes
- 392.340 - reorganization(s)

Commission Rules

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|------------------------|-------------------------------|
| 4 CSR 240-10.020 | - depreciation fund income |
| 4 CSR 240-30.010(2)(C) | - rate schedules |
| 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) | - finance fee |

3. That the tariff filed by GTE Telecommunications Services Incorporated on September 1, 1995, be approved as amended, effective October 1, 1995. The tariff approved is:

P.S.C. Mo. No. 1.

4. That this order shall become effective on October 1, 1995.

BY THE COMMISSION



David L. Rauch
Executive Secretary

(S E A L)

Mueller, Chm., McClure, Kincheloe,
Crumpton, and Drainer, CC., Concur.