

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 18th
day of August, 1995.

In the matter of Midwest Fibernet Inc.'s tariffs)
for authority to use in Missouri the fictitious) CASE NO. TO-95-321
names "Consolidated Communications Long Distance")
and "CallAdvantage".)

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY AND
ORDER APPROVING TARIFF

Midwest Fibernet, Inc. d/b/a Consolidated Communications Long Distance (CCLD) filed a proposed tariff with the Public Service Commission on April 18, 1995. Midwest Fibernet, Inc. was certificated as an interexchange telecommunications provider in Case no. TA-88-219. Midwest wished to operate in Missouri under the fictitious name of Consolidated Communications Long Distance. The Commission Staff recommended approval of the proposed tariff but requested the Commission to require the issuance of a separate certificate of service authority to provide intrastate interexchange telecommunications services for CCLD. Accordingly, the Commission issued its order suspending CCLD's proposed tariff and gave notice that CCLD was seeking a certificate of service authority in its Notice and Schedule of Applicants on August 1, 1995. The Commission determined that, pursuant to Commission rule, CCLD's request for certification and classification as a competitive company could be processed by reference to the information contained in Midwest Fibernet, Inc.'s original application for certification in Case no. TA-88-219. 4 CSR 240-2.060(2)(5). The Commission also directed parties wishing to intervene in the case to do so by August 28, 1995. Since no one requested a hearing or permission to intervene, the Commission determines that no hearing is

necessary. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo.App. 1989). The Applicant is an Illinois corporation, with its principal office at 121 S. 17th Street, Mattoon, Illinois.

CCLD filed its proposed tariff on April 18, 1995, and filed substitute sheets on May 10, 1995. The tariff's effective date has been extended to August 21, 1995. CCLD's tariff describes the rates, rules, and regulations it intends to use, identifies CCLD as a competitive company, and lists the waivers requested. CCLD intends to provide interexchange telecommunications services including "1+" long distance, WATS line, 800 number, travel card, and operator services.

In its Memorandum filed May 22, 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 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 recommended that the Commission approve the tariff as amended.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Applicant 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 CCLD'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 April 18, 1995, and amended on May 10, 1995, should be approved, effective August 21, 1995.

IT IS THEREFORE ORDERED:

1. That Midwest Fibernet, Inc. d/b/a Consolidated Communications Long Distance 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 Midwest Fibernet, Inc. d/b/a Consolidated Communications Long Distance 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


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

3. That the tariff filed by Midwest Fibernet, Inc. d/b/a Consolidated Communications Long Distance on April 18, 1995, be approved as amended, effective August 21, 1995. The tariff approved is:

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

4. That this order shall become effective on August 21, 1995.

BY THE COMMISSION



David L. Rauch
Executive Secretary

(S E A L)

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