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**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office
in Jefferson City on the 20th
day of May, 1999.

In the Matter of the Application of DMJ)	
Communications, Inc., for a Certificate)	
of Authority to Provide Basic Local)	Case No. TA-99-337
Telecommunications Service in Portions)	Tariff No. 9900573
of the State of Missouri and to Classify)	
Said Services as Competitive.)	

ORDER GRANTING CERTIFICATE TO PROVIDE
BASIC LOCAL TELECOMMUNICATIONS SERVICES
AND ORDER APPROVING TARIFF

Procedural History

DMJ Communications, Inc. (Applicant or DMJ), applied to the Commission on February 9, 1999, for a certificate of service authority to provide basic local exchange telecommunications services on a resold basis in Missouri under Sections 392.420 - .440, RSMo 1994,¹ and Sections 392.410 and .450, RSMo Supp. 1998. Applicant asked the Commission to classify it as a competitive company and to waive certain statutes and rules as authorized by Sections 392.361 and 392.420. Applicant is a Texas corporation with principal offices located at 2525 North Grandview, Suite 900, Odessa, Texas 79761.

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

The Commission issued a notice and schedule of applicants on February 16, 1999, directing interested parties wishing to intervene to do so by March 18, 1999. The Commission granted permission to intervene to Southwestern Bell Telephone Company (SWBT) on March 3, 1999.

The parties filed a Stipulation and Agreement (Agreement), which is included with this order as Attachment 1, on May 4, 1999. In the Agreement, the parties waived their rights to present testimony, cross-examine witnesses, present oral argument or briefs, and to seek rehearing or judicial review. 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 a hearing in this case, the Commission may grant the relief requested based on the verified application.

The Staff of the Missouri Public Service Commission (Staff) filed Suggestions in Support of the Stipulation and Agreement on May 13, 1999. In its Suggestions, Staff recommends that the requested certificate be granted.

Discussion

Applicant seeks certification to provide basic local exchange telecommunications services on a resold basis in portions of Missouri that are currently served by SWBT, GTE Midwest (GTE) and Sprint Missouri, Inc. (Sprint). Applicant is not asking for certification in any area

that is served by a small incumbent local exchange provider. Applicant proposes to provide service in the exchanges currently served by SWBT, GTE and Sprint as specified in Appendix B to Applicant's application. Applicant is requesting that its basic local services be classified as competitive and that the application of certain statutes and regulatory rules be waived.

A. Requirements of 4 CSR 240-2.060(4)

Commission rule 4 CSR 240-2.060(4) requires a Missouri corporation applying for certification to provide telecommunications services to include in its application a certified copy of its Articles of Incorporation and Certificate of Incorporation from the Secretary of State, 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. Applicant has provided all the required documentation.²

² Applicant filed a proposed tariff with a 90-day effective date rather than a 45-day effective date. Although 4 CSR 240-2.060(4)(H) specifies a tariff with a 45-day effective date, that requirement is read as a minimum. Thus, Applicant's proposed tariff with a 90-day effective date satisfied the requirement of the cited rule.

B. Basic Local Service Certification

Section 392.455, RSMo Supp. 1998, sets out the requirements for granting certificates to provide basic local telecommunications service to new entrants. A new entrant must: (1) possess sufficient technical, financial and managerial resources and abilities to provide basic local telecommunications service; (2) demonstrate that the services it proposes to offer satisfy the minimum standards established by the Commission; (3) set forth the geographic area in which it proposes to offer service and demonstrate that such area follows exchange boundaries of the incumbent local exchange telecommunications company and is no smaller than an exchange; and (4) offer basic local telecommunications service as a separate and distinct service. In addition, the Commission must give due consideration to equitable access for all Missourians to affordable telecommunications services, regardless of where they live or their income.

Applicant submitted as Exhibit D to its application a copy of its financial statements for the nine months ending September 30, 1998. In response to an inquiry from Staff, Applicant supplemented its application on April 12, 1999, with its twelve-month, *pro forma* financial statements. The parties agree that Applicant possesses sufficient financial resources to provide basic local telecommunications services on a resold basis.

Exhibit C to the application lists the names and qualifications of Applicant's management team. In addition to academic credentials, the team members have experience in the telecommunications industry including

sales, administration, accounting, management, and operator assistance. The parties agree that Applicant possesses sufficient technical and managerial resources and abilities to provide basic local telecommunications service.

Applicant has agreed to provide services that will meet the minimum basic local service standards required by the Commission, including quality of service and billing standards. The parties agree that Applicant proposes to offer basic local services that satisfy the minimum standards established by the Commission.

Applicant wishes to be certificated to offer services in all the exchanges presently served by SWBT, GTE and Sprint. The parties agree that Applicant has sufficiently identified the geographic area in which it proposes to offer basic local service and that the area follows the incumbent local exchange carriers' exchange boundaries and is no smaller than an exchange.

Applicant has agreed to offer basic local telecommunications service as a separate and distinct service and to provide equitable access, as determined by the Commission, for all Missourians within the geographic area in which it will offer basic local services in compliance with Section 392.455, RSMo Supp. 1998.

C. Competitive Classification

The Commission may classify a telecommunications provider as a competitive company if the Commission determines it is subject to sufficient competition to justify a lesser degree of regulation. § 392.361.2,

RSMo. In making that determination, the Commission may consider such factors as market share, financial resources and name recognition, among others. In the Matter of 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 (1989); In the Matter of Southwestern Bell Telephone Company's Application for Classification of Certain Services as Transitionally Competitive, 1 Mo. P.S.C. 3d 479, 484 (1992). The Commission has found that whether a service is competitive is a subject for case-by-case examination and that different criteria may be given greater weight depending upon the service being considered. *Supra*, 1 Mo. P.S.C. 3rd at 487. In addition, all the services a competitive company provides must be classified as competitive. Section 392.361.3, RSMo.

The parties agree that Applicant should be classified as a competitive telecommunications company. Applicant has agreed that, unless otherwise ordered by the Commission, its originating and terminating access rates will be no greater than the lowest Commission-approved corresponding access rates in effect at the date of certification for the large incumbent LEC within those service areas in which Applicant seeks to operate. The parties agree that the grant of service authority and competitive classification to Applicant should be expressly conditioned on the continued applicability of Section 392.200, RSMo Supp. 1998, and on the requirement that any increases in switched access services rates above the maximum switched access service rates set forth in the

agreement must be cost-justified pursuant to Sections 392.220, RSMo Supp. 1998, and 392.230, rather than Sections 392.500 and 392.510.

The parties agree that waiver of the following statutes is appropriate: Sections 392.210.2, 392.270, 392.280, 392.290.1, 392.300.2, 392.310, 392.320, 392.330, RSMo Supp. 1998, and 392.340. The parties also agree that application of these Commission rules could be waived: 4 CSR 240-10.020, 4 CSR 240-30.040, and 4 CSR 240-35.

D. Proposed Tariff

Applicant filed proposed tariff sheets, Tariff No. 9900573, with its application on February 9, 1999, with an effective date of May 10, 1999, reflecting the rates, rules, and regulations it will use and the services it will offer. On April 15, 1999, Applicant filed substitute proposed tariff sheets in order to make clarifications and bring its tariff into compliance with Commission rules and regulations. On April 19, 1999, Applicant extended the effective date of its tariff to May 24, 1999.

The Commission's Staff reviewed the tariff sheets and filed a memorandum on May 13, 1999, recommending that the Commission approve them as amended by the substitute sheets. Staff states that Applicant's proposed tariff is similar to other competitive local exchange company (CLEC) prepaid local services tariffs approved by the Commission. Staff states that the Commission has already approved Applicant's resale agreement with SWBT in Case No. TO-98-515, effective August 18, 1998, and

Applicant's resale agreement with GTE in Case No. TO-99-56, effective November 30, 1998.

Applicant proposes to provide resold basic local telecommunications services on a prepaid basis. Customers will be able to place and receive calls with any station within the local calling area, access 911 or E911 emergency service if available, and place and receive calls with 800 numbers. Applicant will block long distance services, toll services, collect calling, operator-assisted calling, third number billing, and directory assistance. Staff stated that Applicant also proposes to offer custom calling features such as call waiting and caller identification. Staff recommended that the tariff be approved as amended to become effective on May 24, 1999, to coincide with the effective date of Applicant's certificate.

Findings of Fact

The Missouri Public Service Commission, having considered all of the competent and substantial evidence upon the whole record, makes the following findings of fact:

- A. The Commission finds that competition in the basic local exchange telecommunications market is in the public interest.
- B. The Commission finds that Applicant has met the requirements of 4 CSR 240-2.060(4) for applicants for certificates of service authority to provide telecommunications services.

- C. The Commission finds that Applicant meets the statutory requirements for provision of basic local telecommunications services and has agreed to abide by those requirements in the future. The Commission determines that granting Applicant a certificate of service authority to provide basic local exchange telecommunications services is in the public interest. Applicant's certificate shall become effective when its tariff becomes effective.
- D. The Commission finds that Applicant is a competitive company and should be granted waiver of the statutes and rules set out in the ordered paragraph below.
- E. The Commission finds that Applicant's certification and competitive status should be expressly conditioned upon the continued applicability of Section 392.200, RSMo Supp. 1998, and on the requirement that any increases in switched access services rates above the maximum switched access service rates set forth in the agreement must be cost-justified pursuant to Sections 392.220, RSMo Supp. 1998, and 392.230, rather than Sections 392.500 and 392.510.

Conclusions of Law

The Missouri Public Service Commission has reached the following conclusions of law:

The Commission has the authority to grant certificates of service authority to provide telecommunications service within the state of

Missouri. Applicant has requested certification under Sections 392.420 - .440, and Sections 392.410 and .450, RSMo Supp. 1998, which permit the Commission to grant a certificate of service authority where it is in the public interest. Sections 392.361 and .420 authorize the Commission to modify or suspend the application of its rules and certain statutory provisions for companies classified as competitive or transitionally competitive.

The federal Telecommunications Act of 1996 and Section 392.455, RSMo Supp. 1998, were designed to institute competition in the basic local exchange telecommunications market in order to benefit all telecommunications consumers. See Section 392.185, RSMo Supp. 1998. The Commission has the legal authority to accept a Stipulation and Agreement as offered by the parties as a resolution of the issues raised in this case, pursuant to Section 536.060, RSMo Supp. 1998. Based upon the Commission's review of the applicable law and Stipulation and Agreement of the parties, and upon its findings of fact, the Commission concludes that the Stipulation and Agreement should be approved.

The Commission finds that DMJ's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated carriers offering prepaid basic local telecommunications services. The Commission concludes that the proposed tariff sheets filed on February 9, 1999, shall be approved as amended on April 15, 1999, to become effective on May 24, 1999.

IT IS THEREFORE ORDERED:

1. That the Stipulation and Agreement of the parties, filed on May 4, 1999, is approved.

2. That DMJ Communications, Inc., is granted a certificate of service authority to provide basic local telecommunications services in the state of Missouri, subject to the conditions of certification set out above and to all applicable statutes and Commission rules except as specified in this order. The certificate of service authority shall become effective when the company's tariff becomes effective.

3. That DMJ Communications, Inc., is classified as a competitive telecommunications company. Application of the following statutes and regulatory rules shall be waived:

Statutes

392.210.2 - uniform system of accounts
392.270 - valuation of property (ratemaking)
392.280 - depreciation accounts
392.290.1 - issuance of securities
392.300.2 - acquisition of stock
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 240-30.040 - uniform system of accounts
4 CSR 240-35 - reporting of bypass and
customer-specific arrangements

4. That DMJ Communications, Inc.'s certification and competitive status are expressly conditioned upon the continued applicability of Section 392.200, RSMo Supp. 1998, and on the requirement that any

increases in switched access service rates above the maximum switched access service rates set forth in the agreement must be cost-justified pursuant to Sections 392.220, RSMo Supp. 1998, and 392.230, rather than Sections 392.500 and 392.510.

5. That DMJ Communications, Inc., shall file a written disclosure of all interconnection agreements which affect its Missouri service areas, specifying all portions of Missouri service areas for which it does not have an interconnection agreement, and an explanation of why no interconnection agreement is necessary for those areas.

6. That the tariff filed by DMJ Communications, Inc., on February 9, 1999, tariff no. 9900573, is approved as amended on April 15, 1999, to become effective on May 24, 1999. The tariff approved is:

P.S.C. Mo. No. 1
Original Sheet No. 1 through Original Sheet No. 39

7. That this order shall become effective on May 24, 1999.

8. That this case may be closed on May 25, 1999.

BY THE COMMISSION

(S E A L)

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Crumpton, Drainer, and Murray,
CC., concur.
Lumpe. Ch., and Schemenauer, C.,
dissent.

Thompson, Deputy Chief Regulatory Law Judge

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

FILED
MAY 4 1999
Missouri Public
Service Commission

In the Matter of the Application of)
DMJ Communications, Inc. for a)
Certificate of Service Authority to Provide)
Basic Local Telecommunications Service)
in Portions of the State of Missouri and)
to Classify Said Service as Competitive)

Case No. TA-99-337

STIPULATION AND AGREEMENT

1. DMJ Communications, Inc. ("DMJ" or "Applicant") initiated this proceeding on February 9, 1999, by filing an Application requesting certificate of service authority to provide basic local exchange telecommunications service and exchange access service in exchanges currently served by Southwestern Bell Telephone Company ("SWB"), GTE Midwest Incorporated ("GTE"), and Sprint Missouri, Inc. d/b/a Sprint ("Sprint").

2. The Commission has granted the timely application to intervene of SWB. GTE and Sprint did not seek and have not been granted intervention in this proceeding.

3. For purposes of this Stipulation and Agreement, the parties agree that applications for local exchange authority in exchanges served by "large" local exchange companies (LEC's)¹ should be processed in a manner similar to that in which applications for interexchange and local exchange authority are currently handled.

4. In determining whether DMJ's application for certificate of service authority should be granted, the Commission should consider DMJ's technical, financial and managerial resources and abilities to provide basic local telecommunications service. DMJ

¹ Large LEC's are defined as LEC's who serve 100,000 or more access lines. Section 386.020 RSMo. Supp. 1997. In Missouri, the current large LEC's are SWB, GTE and Sprint.

must demonstrate that the basic local services it proposes to offer satisfy the minimum standards established by the Commission, including but not limited to the applicant agreeing to file and maintain basic local service tariff(s) with the Commission in the same manner and form as the Commission requires of incumbent local exchange telecommunications companies with which the applicant seeks to compete. Further, DMJ agrees to meet the minimum basic local service standards, including quality of service and billing standards, as the Commission requires of the incumbent local exchange telecommunications companies with which the applicant seeks to compete. Notwithstanding the provisions of Section 392.500 RSMo. (1994), as a condition of certification and competitive classification, DMJ agrees that, unless otherwise ordered by the Commission, the applicant's originating and terminating access rates will be no greater than the lowest Commission approved corresponding access rates in effect at the date of certification for the large incumbent LEC(s) within whose service area(s) applicant seeks authority to provide service.² Further, DMJ agrees to offer basic local telecommunications service as a separate and distinct service and must sufficiently identify the geographic service area in which it proposes to offer basic local service. Such area must follow exchange boundaries of the incumbent local exchange telecommunications companies and must be no smaller than an exchange. Finally, DMJ agrees to provide equitable access to affordable telecommunications services, as determined by the Commission, for all Missourians within the geographic area in which it proposes to offer basic local service, regardless of residence or their income. See Section 392.455 RSMo. (1998 Supp.)

5. DMJ has submitted its application with tariffs having a ninety (90) day

²In this case, the relevant access rates are those of SWB.

effective date and seeks a temporary waiver of 4 CSR 240-2.060(4)(H). DMJ has obtained approved Resale Agreements with SWB in MoPSC Case No. TO-98-515 and with GTE in Case No. TO-99-56. In order to give the Commission and its Staff time to review said tariffs in the context of the Application proceeding, DMJ submitted them with a ninety (90) day effective date and requested the temporary waiver of 4 CSR 240-2.060(4)(H), which specifies a forty-five (45) day effective date for such tariffs. Copies of the tariff(s) will be provided by DMJ to intervening parties immediately upon request. Any service authority shall be regarded as conditional and shall not be exercised until such time as tariff(s) for services have become effective.

6. DMJ has, pursuant to Section 392.420 RSMo. requested that the Commission waive the application of any or all of the following statutory provisions and rules to basic local telecommunications services, and all parties agree that the Commission should grant such request provided that Section 392.200 RSMo. should continue to apply to all of DMJ's services:

STATUTORY PROVISIONS

Section 392.210.2
Section 392.270
Section 392.280
Section 392.290.1
Section 392.300.2
Section 392.310
Section 392.320
Section 392.330
Section 392.340

COMMISSION RULES

4 CSR 240-10.020
4 CSR 240-30.040
4 CSR 240-35

7. In negotiating the remaining provisions of this Stipulation and Agreement, the

parties have employed the foregoing standards and criteria, which are intended to meet the requirements of existing law and Sections 392.450 and 392.455 RSMo., regarding applications for certificates of local exchange authority to provide basic local telecommunications services.

B. DMJ'S CERTIFICATION

8. DMJ has submitted as Appendix B to its Amended Application a listing of the specific exchanges in which it seeks authority to provide service. The exchanges identified are those currently served by SWB, GTE and Sprint. DMJ hereby agrees that its Amended Application should be deemed further amended as required to include by reference the terms and provisions described in paragraphs 4-6 hereinabove and paragraph 11 below to the extent that its Amended Application might be inconsistent therewith.

9. Based upon its verified Amended Application, as amended by this Stipulation and Agreement, DMJ asserts and no other party makes a contrary assertion, that there is sufficient evidence from which the Commission should find and conclude that DMJ:

A. possesses sufficient technical, financial and managerial resources and abilities to provide basic local telecommunications service and local exchange telecommunications service, including exchange access service;

B. proposes and agrees to offer basic local services that will satisfy the minimum standards established by the Commission;

C. has sufficiently identified the geographic area in which it proposes to offer basic local service and such area follows exchange boundaries of the incumbent local

exchange telecommunications companies in the same areas, and such area is no smaller than an exchange;

D. will offer basic local telecommunications services as a separate and distinct service;

E. has agreed to provide equitable access as determined by the Commission for all Missourians within the geographic area in which it proposes to offer basic local service, regardless of where they live or their income, to affordable telecommunications services; and

F. has sought authority which will serve the public interest.

10. DMJ asserts, and no party opposes, that DMJ's application and request for authority to provide basic local telecommunications service (including exchange access service) should be granted. All services authorized herein should be classified as competitive telecommunications services, provided that the requirements of Section 392.200 continue to apply, and DMJ shall remain classified as a competitive telecommunications company. DMJ asserts, and no party opposes, that such services will be subject to sufficient competition by the services of the incumbent LECs to justify a lesser degree of regulation of DMJ's services consistent with the protection of ratepayers and the promotion of the public interest. Such classification should become effective upon the tariffs for the services becoming effective. Such authority should be conditional, not to be exercised until such time as tariffs for those services have been filed (together with the written disclosure as stipulated above) and have become effective. The Commission's Order should state the foregoing conditions substantially as follows:

"The service authority and service classification herein granted are subject

to the requirements of Section 392.200 and are conditional and shall not be exercised until such time as tariffs for services have become effective."

The parties agree that the applicant's switched exchange access services may be classified as competitive services. The parties further agree that the applicant's switched exchange access services are subject to Section 392.200. Any increases in switched access service rates above the maximum switched access service rates as set forth in paragraph 4 herein shall be cost-justified and be made pursuant to 392.220 and 392.230 and not 392.500 and 392.510. The Commission's order should state the foregoing conditions substantially as follows:

"The service authority and service classification for switched exchange access granted herein is expressly conditioned on the continued applicability of Section 392.200 and the requirement that any increases in switched access service rates above the maximum switched access service rates set forth herein shall be cost-justified and be made pursuant to Sections 392.220 and 392.230 and not Sections 392.500 and 392.510."

11. DMJ's request for a temporary waiver of 4 CSR 240-2.060(4)(H), which requires applications to include a proposed tariff with a 45-day effective date, is not opposed by the parties and should be granted because, at the time of the filing of the application, DMJ has approved resale or interconnection agreements with SWBT and GTE. The Commission's order should state the temporary waiver of 4 CSR 240-2.060(4)(H), substantially as follows:

"Applicant's request for temporary waiver of 4 CSR 240-2.060(4)(H) is hereby

granted for good cause in that applicant has approved resale or interconnection agreements with the incumbent local exchange carriers Southwestern Bell Telephone Company and GTE Midwest Inc. within whose service areas it seeks authority to provide service and filed its tariffs with a ninety (90) day effective date in order to give the Commission and its Staff time to review said tariffs within the context of the Application proceeding.

12. DMJ's request for waiver of the applications of the following rules and statutory provisions as they relate to the regulation of DMJ's new services should be granted:

STATUTORY PROVISIONS

COMMISSION RULES

Section 392.210.2
Section 392.270
Section 392.280
Section 392.290.1
Section 392.300.2
Section 392.310
Section 392.320
Section 392.330
Section 392.340

4 CSR 240-10.020
4 CSR 240-30.040
4 CSR 240-35

13. This Stipulation and Agreement has resulted from extensive negotiations among the signatories and the terms hereof are interdependent. In the event the Commission does not adopt this Stipulation in total, then this Stipulation and Agreement shall be void and no signatory shall be bound by any of the agreements or provisions hereof. The Stipulations herein are specific to the resolution of this proceeding and are made without prejudice to the rights of the signatories to take other positions in other proceedings.

14. In the event the Commission accepts the specific terms of this Stipulation and Agreement, the parties and participants waive, with respect to the issues resolved herein:

their respective rights pursuant to Section 536.080.1, RSMo. 1994, to present testimony, to cross-examine witnesses, and to present oral argument or written briefs; their respective rights to the reading of the transcript by the Commission pursuant to Section 536.080.2 RSMo. 1994; and their respective rights to seek rehearing pursuant to Section 386.500 RSMo 1994 and to seek judicial review pursuant to Section 386.510, RSMo. 1994. The parties agree to cooperate with the Applicant and with each other in presenting this Stipulation and Agreement for approval to the Commission and shall take no action, direct or indirect, in opposition to the request for approval of the DMJ's application made herein.

15. The Staff may submit a Staff Recommendation concerning matters not addressed in this Stipulation. In addition, if requested by the Commission, the Staff shall have the right to submit to the Commission a memorandum explaining its rationale for entering into this Stipulation and Agreement. Each party of record and participant herein shall be served with a copy of any memorandum and shall be entitled to submit to the Commission, within five (5) days of receipt of Staff's memorandum, a responsive memorandum which shall also be served on all parties and participants. All memoranda submitted by the parties shall be considered privileged in the same manner as settlement discussions under the Commission's rules, shall be maintained on a confidential basis by all parties and participants, and shall not become a part of the record of this proceeding or bind or prejudice the party submitting such memorandum in any future proceeding whether or not the Commission approves this Stipulation and Agreement. The contents of any memorandum provided by any party are its own and are not acquiesced in or otherwise adopted by the other signatories to the Stipulation and Agreement, whether or not the Commission approves

and adopts this Stipulation and Agreement.

The Staff shall also have the right to provide, at any agenda meeting at which this Stipulation and Agreement is noticed to be considered by the Commission, whatever oral explanation the Commission requests, provided that the Staff shall, to the extent reasonably practicable, provide the other parties and participants with advance notice of when the Staff shall respond to the Commission's request for such explanation once such explanation is requested from the Staff. Staff's oral explanation shall be subject to public disclosure.

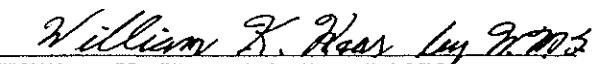
16. The Office of the Public Counsel, while not a signatory to this Stipulation and Agreement, has been contacted with regard to its filing and has offered no objection.

WHEREFORE, the signatories respectfully request the Commission to issue its Order approving the terms of this Stipulation and Agreement and issue its Order granting authority and classification and waiving certain statutes and rules as requested by DMJ Communications, Inc., subject to the conditions described above, as expeditiously as possible.

Respectfully submitted,


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St. Louis, Missouri 63101

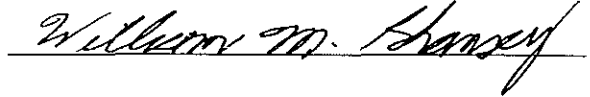
(314) 235-4314

(314) 331-2193 facsimile

FOR: Southwestern Bell Telephone
Company

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Stipulation and Agreement was served upon the following persons by depositing a true copy thereof in the United States Mail, postage prepaid, or by hand delivery, this 4 day of May, 1999.



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RECEIVED

MAY 20 1999

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PUBLIC SERVICE COMMISSION