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In the Matter of the Application of Tin Can )  
Communications Company, L.L.C. for a Certificate )  
of Authority to Provide Basic Local Telecommunica- ) Case No. TA-98-231  
tions Service in Portions of the State of Missouri )  
and to Classify Said Services as Competitive. )

**ORDER GRANTING MOTION FOR LEAVE TO FILE AMENDED  
APPLICATION OUT OF TIME, GRANTING INTERVENTION  
AND DIRECTING FILING OF PROCEDURAL SCHEDULE**

Tin Can Communications Company, L.L.C. (Tin Can) filed an application on December 5, 1997, for a certificate of service authority to provide basic local telecommunications service in the State of Missouri under 4 CSR 240-2.060(4). Tin Can filed an amended application on January 12, 1998, that clarified the wire centers in which Tin Can intends to offer service and supplemented the financial data submitted with the original application. Tin Can's amended application was accompanied by a motion to file out of time, as the amendment was due on January 9. No parties have opposed Tin Can's motion. The Commission finds that Tin Can's Motion for Leave to File Amended Application Out of Time should be granted.

Tin Can wishes to provide resold services in all the exchanges currently served by Southwestern Bell Telephone Company (SWBT), GTE Midwest Incorporated (GTE) and United Telephone Company of Missouri d/b/a Sprint (Sprint-United). The Commission issued an Order and Notice, directing interested parties to file applications to intervene no later than January 8, 1998. Southwestern Bell Telephone Company (SWBT) filed a timely application to intervene.

SWBT states that it has a direct interest in the Commission's decision in this case because it provides basic local exchange services and will be in direct competition with this company if the certificate is granted. SWBT argues that no other party will adequately protect its interests in this matter and that its intervention would be in the public interest because of SWBT's expertise and experience in the telecommunications industry.

The Commission has reviewed the application and finds that it is in substantial compliance with Commission rules regarding intervention and that the applicant has an interest in this matter which is different from that of the general public. The Commission concludes that SWBT's request for intervention should be granted and that the parties should file a proposed procedural schedule. The procedural schedule must include either dates for the filing of testimony and for a hearing, or a date for the filing of a Stipulation and Agreement. If no party requests a hearing, the Commission may grant the service authority and competitive classification requested without a hearing. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989).

**THEREFORE, IT IS ORDERED:**

1. That the Motion for Leave to File Amended Application Out of Time filed by Tin Can Communications Company, L.L.C. is granted.

2. That Southwestern Bell Telephone Company is granted intervention in this case in accordance with 4 CSR 240-2.075(4).

3. That the parties shall file a proposed procedural schedule no later than February 18, 1998. The procedural schedule shall include either dates for the filing of testimony and for a hearing, or a date for the filing of a Stipulation and Agreement.

4. That this order shall be effective on February 3, 1998.

**BY THE COMMISSION**



**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

(S E A L)

Amy E. Randles, 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 3rd day of February, 1998.

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COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION