



STATE OF MISSOURI PUBLIC SERVICE COMMISSION JEFFERSON CITY March 16, 2000

CASE NO: TA-2000-536

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Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,

Hok Hredy Roberts

Dale Hardy Roberts Secretary/Chief Regulatory Law Judge

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of the Application of Capsule Communications, Inc.) Case No. TA-2000-536 for a Certificate of Telecommunications Services in the State of Missouri and for Competitive Classification

) Tariff No. 200000797

SECOND ORDER REQUESTING RESPONSE

)

On March 3, 2000, Capsule Communications, Inc., (Capsule) filed with the Missouri Public Service Commission (Commission) an application for a certificate of service authority to provide resold interexechange telecommunications services in the state of Missouri. Together with the application, Capsule filed a proposed tariff. Capsule requested expedited service for the tariff with an effective date of March 31, 2000, and also expedited treatment for the grant of a certificate.

The Commission ordered the Staff of the Commission (Staff) to respond to its order issued March 9, 2000, within five (5) days, stating whether or not it would be able to handle this case in an expedited manner and, if so, giving suggested dates for the filing of a Staff report or recommendation.

Staff filed no response, but instead, on March 14, 2000, filed its recommendation, to which was attached its memorandum. The memorandum is a printed form which, on the first page, contains two boxes which the person filling out the form checks, if applicable.

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The first box states that the Staff recommends that the Commission grant the applicant a "...certificate to provide interexchange telecommunications services." The second box, which may also be checked but which was not checked in this case, indicates that the Staff recommends that the Commission grant the applicant a "...certificate to provide local exchange telecommunications services.* *local [*sic*] exchange authority should be restricted to dedicated, private line services."

On the second page of the memorandum, there are several boxes, some of which may be checked by Staff to indicate the services offered in the applicant's initial tariff. One of the boxes, which was checked here, was for " Private line [services]."

Capsule's application was for a certificate authorizing it to provide interexechange telecommunications services; it did not include a request for a certificate authorizing it to provide local exchange services. Thus, concerning "private line services," Staff's memorandum appears that it may contain contradictory material.

The Commission would be assisted in this matter by the Staff filing a pleading answering the following question: Can an interexchange carrier provide private line services without local exchange authority? If so, state and explain the reasons therefor.

The Commission will also allow Capsule to file a response to this request if it so desires.

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IT IS THEREFORE ORDERED:

1. That the Staff of the Missouri Public Service Commission shall file its pleading stating whether or not an interexchange carrier can provide private line services without having local exchange authority, and, if so, giving statements and explanations of the reasons therefor, no later than 3:00 p.m. on March 22, 2000.

2. That Capsule Communications, Inc. may, if it so desires, file its pleading stating whether or not an interexchange carrier can provide private line services without having local exchange authority, and, if so, giving statements and explanations of the reasons therefor, no later than 3:00 p.m. on March 22, 2000.

3. That this order shall become effective on March 27, 2000.

BY THE COMMISSION

k Hred Roberts

Dale Hardy Roberts Secretary/Chief Regulatory Law Judge

(SEAL)

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 16th day of March, 2000.

STATE OF MISSOURI OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and

I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this <u>16th</u> day of March 2000.

Hole Hredy Roberts

Dale Hardy Roberts Secretary/Chief Regulatory Law Judge

