

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
November 9, 2000**

CASE NO: TA-2000-578

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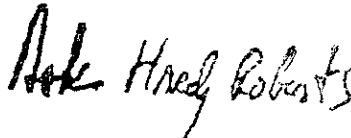
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St. Louis, MO 63101

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

Sincerely,



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

Uncertified Copies:

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

| | | |
|--|---|------------------------------------|
| In the Matter of the Application of |) | |
| TSI Services, Inc. for a Certificate |) | |
| of Service Authority to Provide Basic |) | <u>Case No. TA-2000-578</u> |
| Exchange and Local Exchange Intrastate |) | |
| Telecommunications Services within the |) | |
| State of Missouri | | |

**ORDER GRANTING CERTIFICATE TO PROVIDE
BASIC LOCAL TELECOMMUNICATIONS SERVICES**

Procedural History

Teligent Services, Inc. (TSI) applied to the Missouri Public Service Commission (Commission) on March 17, 2000, for a certificate of service authority to provide basic local and exchange access telecommunications services in Missouri under Sections 392.420 - .440 RSMo 1994¹, and Sections 392.410 and .450, RSMo Supp. 1999. TSI asked the Commission to classify it as a competitive company and waive certain statutes and rules as authorized by Sections 392.361 and 392.420, RSMo. TSI is a Delaware corporation with principal offices located at 8065 Leesburg Pike, Suite 400, Vienna, Virginia 22182.

The Commission issued a notice and schedule of applicants on March 28, 2000, directing interested parties wishing to intervene to do so by April 27, 2000. On April 10, 2000, Southwestern Bell

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

Telephone Company (SWBT) timely filed its application to intervene, which the Commission granted on April 21, 2000. No other entity intervened. In the same order that granted intervention, the Commission also ordered the parties to file a procedural schedule no later than May 3, 2000.

On May 3, 2000, Staff and TSI filed a proposed procedural schedule in compliance with the Commission's order issued April 21, 2000. On June 22, 2000, Staff filed a motion requesting the suspension of the proposed procedural schedule because the parties had been negotiating and reached an agreement in principle and the parties believed that a stipulation would be filed in the near future. Staff requested that the time to file be extended until July 21, 2000. There were no objections filed to Staff's Motion to Suspend the Commission's Consideration of the Proposed Procedural Schedule. The parties filed a Unanimous Stipulation and Agreement (Agreement), which is included with this order as Attachment 1, on October 4, 2000.

The Staff of the Commission (Staff) filed Suggestions in Support of the Unanimous Stipulation and Agreement on November 2, 2000. 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 application.

Discussion

TSI seeks certification to provide basic local telecommunications services in portions of Missouri that are currently served by SWBT, GTE Midwest Incorporated (GTE) and Sprint Missouri, Inc. d/b/a Sprint (Sprint). TSI is not asking for certification in any area that is served by a small incumbent local exchange carrier (ILEC). TSI 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 Commission Rule 4 CSR 240-2.060(6)

Commission Rule 4 CSR 240-2.060(6) requires an application for a certificate to provide telecommunications services to include a certificate from the Secretary of State showing that it is authorized to do business in Missouri, 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. TSI has provided all the required documentation including proposed tariffs filed on March 17, 2000 along with its application. These proposed tariff sheets had an effective date of May 1, 2000, which has been extended by the applicant several times, and the effective date is now November 20, 2000. In its Agreement, the parties agreed that Staff would separately evaluate the proposed tariffs submitted with the application and supply its recommendation.

B. Basic Local Service Certification

Section 392.455, RSMo Supp. 1999, 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.

TSI submitted as Exhibit 7 to its application certain financial documentation. Exhibit 6 to the application lists the names and qualifications of TSI's management team. The parties agreed that TSI possesses sufficient technical, financial and managerial resources and abilities to provide basic local telecommunications service.

TSI 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 agreed that TSI proposes to offer basic local services that satisfy the minimum standards established by the Commission.

TSI wishes to be certificated to offer services in all the exchanges presently served by SWBT, GTE and Sprint as described in their basic local tariffs. The parties agreed that TSI has sufficiently identified the geographic area in which it proposes to offer basic local service and that the area follows ILEC exchange boundaries and is no smaller than an exchange.

TSI 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(5), RSMo Supp. 1999.

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. Section 392.361.2. 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). In addition, all the services a competitive company provides must be classified as competitive. Section 392.361.3. 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. *Id.* at 487.

The parties have agreed that TSI should be classified as a competitive telecommunications company. The parties have also agreed that TSI's switched exchange access services may be classified as a competitive service, conditioned upon certain limitations on TSI's ability to charge for its access services. TSI 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 for each large ILEC within whose service areas TSI seeks to provide service. The parties have agreed that the grant of service authority and competitive classification to TSI should be expressly conditioned on the continued applicability of Section 392.200, RSMo Supp. 1999, and on the requirement that any increases in switched access services rates above the maximum switched access service rates set forth in the agreement shall be made pursuant to Sections 392.220, RSMo Supp. 1999, and 392.230, rather than Sections 392.500 and 392.510. In addition, the parties agreed that if the ILEC in whose service area TSI is operating decreases its originating and/or terminating access service rates, TSI shall file an appropriate tariff amendment to reduce its originating and/or terminating access rates within 30 days of the ILEC's reduction of its originating and/or terminating access rates in order to maintain the cap.

The parties agreed that waiver of the following statutes is appropriate: Sections 392.210.2, 392.240.1, 392.270, 392.280, 392.290, 392.300.2, 392.310, 392.320, 392.330, and 392.340. The parties also agreed that application of these Commission Rules could be waived: 4 CSR 240-10.020, 4 CSR 240-30.010(2)(C), 4 CSR 240-30.040, 4 CSR 240-32.030(4)(C), 4 CSR 240-33.030, and 4 CSR 240-35.

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 TSI has met the requirements of Commission Rule 4 CSR 240-2.060(6) for applicants for certificates of service authority to provide telecommunications services.
- C. The Commission finds that the local exchange services market is competitive and that granting TSI a certificate of service authority to provide local exchange telecommunications services is in the public interest. TSI's certificate shall become effective when its tariff becomes effective.
- D. The Commission finds that TSI 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 TSI a certificate of service authority to provide basic local exchange telecommunications services is in the public interest. TSI's certificate shall become effective when its tariff becomes effective.

- E. The Commission finds that TSI is a competitive company and should be granted waiver of the statutes and rules set out in the ordered paragraph below.
- F. The Commission finds that TSI's certification and competitive status should be expressly conditioned upon the continued applicability of Section 392.200, RSMo Supp. 1999, and on the requirement that any increases in switched access services rates above the maximum switched access service rates set forth in the agreement shall be made pursuant to Sections 392.220, RSMo Supp. 1999, and 392.230, rather than Sections 392.500 and 392.510. In addition, if the ILEC, in whose service area TSI is operating, decreases its originating and/or terminating access service rates, TSI shall file an appropriate tariff amendment to reduce its originating and/or terminating access rates within 30 days of the ILEC's reduction of its originating and/or terminating access rates in order to maintain the cap.

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. TSI has requested certification under Sections 392.420 - .440, and Sections 392.410 and .450, RSMo Supp. 1999, 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. 1999, 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. 1999.

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. 1999. Based upon the Commission's review of the applicable law and the Agreement of the parties, and upon its findings of fact, the Commission concludes that the Unanimous Stipulation and Agreement should be approved.

IT IS THEREFORE ORDERED:

1. That the Unanimous Stipulation and Agreement of the parties, filed on October 4, 2000, is approved.

2. That TSI Services, Inc. is granted a certificate of service authority to provide local exchange 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 TSI Services, Inc.'s tariff becomes effective.

3. That TSI Services, 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 TSI's tariff becomes effective.

4. That TSI Services, 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 |
| 392.240.1 | - | rates-rentals-service & physical connections |
| 392.270 | - | valuation of property (ratemaking) |
| 392.280 | - | depreciation accounts |
| 392.290 | - | 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. 1999 | - | issuance of securities, debts and notes |

Commission Rules

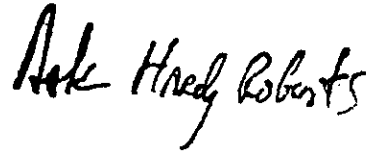
| | | |
|------------------------|---|----------------------------|
| 4 CSR 240-10.020 | - | depreciation fund income |
| 4 CSR 240-30.010(2)(C) | - | posting of tariffs |
| 4 CSR 240-30.040 | - | uniform system of accounts |
| 4 CSR 240-32.030(4)(C) | - | exchange boundary maps |
| 4 CSR 240-33.030 | - | minimum charges |

5. That TSI Services, Inc. shall file a written disclosure of all interconnection agreements which affect its Missouri service areas, 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 TSI Services, Inc.'s certification and competitive status are expressly conditioned upon the continued applicability of Section 392.200, RSMo Supp. 1999, and on the requirement that any increases in switched access service rates above the maximum switched access service rates set forth in the agreement shall be made pursuant to Sections 392.220, RSMo Supp. 1999, and 392.230, rather than Sections 392.500 and 392.510. In addition, if the ILEC in whose service area TSI Services, Inc. is operating decreases its originating and/or terminating access service rates, TSI Services, Inc. shall file an appropriate tariff amendment to reduce its originating and/or terminating access rates within 30 days of the ILEC's reduction of its originating and/or terminating access rates in order to maintain the cap.

7. That this order shall become effective on November 19, 2000.

BY THE COMMISSION

A handwritten signature in black ink, reading "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Shelly A. Register, Regulatory Law
Judge, by delegation of authority
pursuant to Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 9th day of November, 2000.

**BEFORE THE PUBLIC SERVICE
COMMISSION OF THE STATE OF MISSOURI**

FILED²
OCT 4 2000
Missouri Public
Service Commission

In the Matter of the Application of)

TELIGENT SERVICES, INC)

for a Certificate of Service Authority to Provide)
Basic Local Telecommunications Services)
in the State of Missouri)
and for Competitive Classification)

Case No. TA-2000-578

UNANIMOUS STIPULATION AND AGREEMENT

TELIGENT SERVICES, INC. (hereinafter "TSI" or "Applicant") initiated this proceeding on March 17, 2000 by filing an Application requesting certificate of service authority to provide basic local exchange and exchange access services in exchanges currently served by Southwestern Bell Telephone Company, and GTE of the Midwest, Inc. (GTE).

Southwestern Bell Telephone Company (SWBT) applied to intervene in this matter and its application was granted.

A. STANDARDS AND CRITERIA

1. The parties employed the following standards and criteria, which are intended to meet the requirements of existing law, particularly Sections 392.450 and 392.455, RSMo. Cum Supp. 1999 regarding applications for certificates of local exchange service authority to provide or resell basic local telecommunications service, in negotiating the provisions of this Unanimous Stipulation and Agreement (hereinafter referred to as the "Stipulation").

2. For purposes of this Stipulation, the parties agree that applications for local exchange and basic local exchange service authority in exchanges served by "large" local exchange companies

(LECs)¹ should be processed in a manner similar to that in which applications for interexchange and local exchange authority are currently handled.

3. In determining whether TSI's application for certificate of service authority should be granted, the Commission should consider TSI's technical, financial and managerial resources and abilities to provide basic local telecommunications service. TSI 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 applicant seeks to compete. Further, TSI must agree 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, TSI agrees that, unless otherwise ordered by the Commission, its originating and terminating access rates will be capped at the levels authorized by the Commission in *In the Matter of the Access Rates to be Charged by Competitive Local Exchange Telecommunications Companies in the State of Missouri*, Case No. TO-99-596. Accordingly, the parties acknowledge and agree that TSI may submit tariffs providing for originating and terminating exchange access rates equal to or less than those of the directly competing incumbent local exchange carrier in each exchange in which TSI is authorized to provide basic local telecommunications services. Additionally, TSI agrees that if the directly competing ILEC, in whose service area TSI is operating, decreases its originating and/or terminating

¹Large LECs are defined as LECs who serve 100,000 or more access lines. Section 386.020 RSMo. Supp. 1999. In Missouri, the current large LECs are SWBT, GTE and Sprint.

access service rates, TSI shall file an appropriate tariff amendment to reduce its originating and/or terminating access rates in the directly competing ILEC's service area within thirty (30) days of the directly competing ILEC's reduction of its originating and /or terminating access rates in order to maintain the cap.² Further, TSI 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 in the same area and must be no smaller than an exchange. Finally, TSI agrees 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. See Section 392.455 RSMo Cum. Supp. 1999.

4. TSI submitted proposed tariffs with its application and provided a copy to the parties hereto that requested them. Staff will separately evaluate the same and supply its recommendation to the Commission.

5. TSI has, pursuant to §392.420 RSMo. 1994 requested that the Commission waive the application of certain statutory provisions and rules to its basic local telecommunications services. Since the filing of its application, several rules of the Commission had been revised and TSI requested leave to amend its application to reflect those rule revisions. The parties hereto have no objection to Applicant's motion for leave to amend. TSI's application as amended herein requests the Commission to waive any or all of the following statutory provisions and rules to basic

²This provision shall not be construed to require TSI to file a tariff amendment if: 1) TSI has concurred in the directly competing ILEC's access tariff, or 2) if TSI's existing corresponding originating and/or terminating access rates are not higher than the ILEC's originating and/or terminating access rates following the ILEC's reduction of rates.

local telecommunications services, and the parties agree that the Commission should grant such request provided that Section 392.200 RSMo should continue to apply to all of TSI's services:

STATUTORY PROVISIONS

§392.210.2
§392.240(1)
§392.270
§392.280
§392.290
§392.300.2
§392.310
§392.320
§392.330
§392.340

COMMISSION RULES

4 CSR 240-10.020
4 CSR 240-30.010(2)(C)
4 CSR 240-30.040
4 CSR 240-32.030(4)(C)
4 CSR 240-33.030
4 CSR 240-35

B. TSI CERTIFICATION

6. TSI hereby agrees that its application should be deemed amended to include by reference the terms and provisions described in paragraphs 2-5 hereinabove.

7. Based upon its verified application, as amended herein or by any Order of the Commission, TSI asserts, and no party makes a contrary assertion, that there is sufficient evidence from which the Commission can find and conclude that TSI:

- 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 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;³
- d. will offer basic local telecommunications service 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;⁴
- f. has sought authority which will serve the public interest.

8. TSI asserts, and no party opposes, that TSI's application and request for authority to provide basic local telecommunications services and local exchange telecommunications services (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 TSI shall remain classified as a competitive telecommunications company. TSI 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 TSI'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

³ The identification of specific geographic areas within which TSI proposes to offer service as referred to in this paragraph shall not be construed to foreclose TSI from 1) petitioning the Commission pursuant to Section 392.200.4 RSMo. for authority to serve an area smaller than an exchange; and 2) offer customer specific pricing pursuant to Section 392.200.8, RSMo.

⁴ The agreement in Paragraph 7. e. of this Stipulation is without prejudice to TSI's right to appear, after proper application and in accord with Commission rules and regulations, in any rulemaking proceeding or other proceeding regarding the Commission's considerations of equitable access under Section 392.455.(5), RSMo. Furthermore, such agreement should not be construed as an admission or conclusion by TSI that Section 392.455.(5), RSMo. creates new or specific duties or obligations on telecommunications companies to provide equitable access.

authority should be conditional, not to be exercised until such time as tariffs for those services have been filed and have become effective. The Commission's Order should state the foregoing conditions as follows:

The service authority and service classification herein granted are subject to the requirements of § 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 3 herein shall be made pursuant to Sections 392.220 and 392.230 and not 392.500 and 392.510. TSI agrees that if the directly competing ILEC, in whose service area TSI is operating, decreases its originating and/or terminating access service rates, TSI shall file an appropriate tariff amendment to reduce its originating and/or terminating access rates in the directly competing ILEC's service area within thirty (30) days of the directly competing ILEC's reduction of its originating and /or terminating access rates in order to maintain the cap.⁵ The Commission's order should state the foregoing conditions 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 made pursuant to Sections 392.220 and 392.230 and not Sections 392.500 and 392.510. TSI agrees that if the directly competing ILEC, in whose service area TSI is operating, decreases its originating and/or terminating access service rates, TSI shall file an appropriate tariff amendment to reduce its originating and/or terminating access rates in the directly competing ILEC's service area within thirty (30) days of the directly competing ILEC's reduction of its originating and /or terminating access rates in order to maintain the cap. TSI will not be required to file a tariff amendment if: 1) TSI has concurred in the directly competing ILEC's access tariff, or 2) if TSI's

⁵See footnote 2.

existing corresponding originating and/or terminating access rates are not higher than the directly competing ILEC's originating and/or terminating access rates following the ILEC's reduction of rates."

9. TSI's request for waiver of the application of the following rules and statutory provisions as they relate to the regulation of TSI's services should be granted:

STATUTORY PROVISIONS

§392.210.2
§392.240(1)
§392.270
§392.280
§392.290
§392.300.2
§392.310
§392.320
§392.330
§392.340

COMMISSION RULES

4 CSR 240-10.020
4 CSR 240-30.010(2)(C)
4 CSR 240-30.040
4 CSR 240-32.030(4)(C)
4 CSR 240-33.030
4 CSR 240-35

10. Finally, TSI will comply with all applicable Commission rules and regulations except those which specifically are waived by the Commission.

11. This Stipulation 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 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 all stipulations are made without prejudice to the rights of the signatories to take other positions in

other proceedings.

12. In the event the Commission accepts the specific terms of this Stipulation, the parties and participants waive, with respect to the issues resolved herein the following rights: their respective rights pursuant to §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 §536.080.2, RSMo 1994; and their respective rights to seek rehearing pursuant to §386.500 RSMo 1994 and to seek judicial review pursuant to §386.510, RSMo 1994. The parties agree to cooperate with the Applicant and with each other in presenting this Stipulation for approval to the Commission and shall take no action, direct or indirect, in opposition to the request for approval of the TSI application made herein.

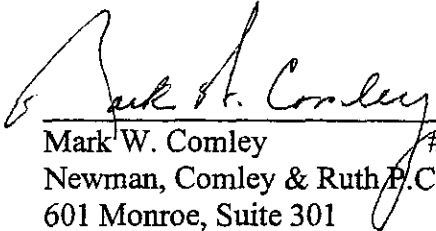
14. The Staff shall file suggestions or a memorandum in support of the Stipulation and the other Parties shall have the right to file responsive suggestions or prepared testimony. All responsive suggestions, prepared testimony or memorandum shall be subject to the terms of any Protective Order that may be entered in this case.

15. The Staff shall also have the right to provide, at any agenda meeting at which this Stipulation is noticed to be considered by the Commission, whatever oral explanation the Commission requests, provided that Staff shall, to the extent reasonably practicable, provide the other Parties with advance notice of when the Staff shall respond to the Commission's request for such explanation once such explanation is requested from Staff. Staff's oral explanation shall be subject to public disclosure, except to the extent it refers to matters that are privileged or protected from disclosure pursuant to any protective order that may be issued in this case.

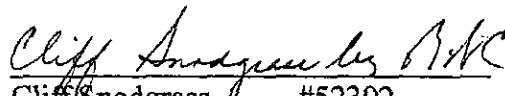
16. The Office of the Public Counsel is a signatory to this Stipulation for the sole purpose of stating that it has no objection to this Stipulation.

WHEREFORE, the signatories respectfully request the Commission to issue its Order approving the terms of this Stipulation and issue its Order granting authority and classification as requested by TSI, subject to the conditions described above.

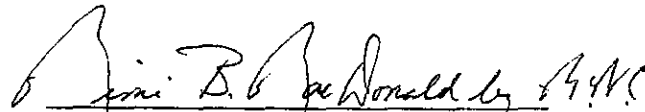
Respectfully submitted,


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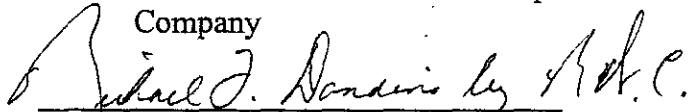
FOR: TELIGENT SERVICES, INC.


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CASE NO.

[Signature]
Lumpe, Chair

[Signature]
Drainer, Vice Chair

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Murray, Commissioner

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Schemenauer, Commissioner

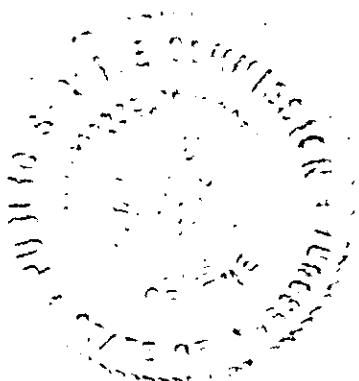
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Simmons, Commissioner

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 9th day of Nov. 2000.



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