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### BEFORE THE PUBLIC SERVICE COMMISSION

## OF THE STATE OF MISSOURI

In the Matter of the Application of ezTel

Network Services, LLC, for a Certificate

of Service Authority to Provide Interexchange

Telecommunications Services.

Case No.TA-2000-414

Tariff No. 200000626

# ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY AND ORDER APPROVING TARIFF

Applicant ezTel Network Services, LLC, applied to the Public Service Commission on January 12, 2000, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994<sup>1</sup>. 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 Mississippi corporation, with its principal office located at ezTel Network Services, LLC, 667-D Highway 51 North, Ridgeland, Mississippi 39157.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on January 18, 2000, directing parties wishing to intervene to file their requests by February 2, 2000. 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,

<sup>&</sup>lt;sup>1</sup> All statutory references are to the Revised States of Missouri 1994 unless otherwise indicated.

776 S.W.2d 494, 496 (Mo. App. 1989). Since no one has asked permission to intervene or requested a hearing, the Commission may grant the relief requested based on the verified application.

Applicant filed a proposed tariff in conjunction with its application and filed substitute sheets on January 31, 2000. The tariff's effective date is February 26, 2000. Applicant's tariff describes the rates, rules, and regulations it intends to use, identifies Applicant as a competitive company, and lists the waivers requested. Applicant intends to provide interexchange telecommunications services including 1+, 800/888/877 Services, Directory Assistance, Debit Card, and Travel Card services.

In its Memorandum filed on February 10, 2000, the Staff of the Commission (Staff) stated that Applicant's proposed services are similar to existing IXC offerings. 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 proposed tariff as amended to become effective on February 26, 2000.

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 finds that waiving the statutes and Commission rules set out in the ordered paragraph below is reasonable and not detrimental to the public interest.

The Commission finds that Applicant'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 January 12, 2000, shall be approved as amended to become effective on February 26, 2000.

#### IT IS THEREFORE ORDERED:

- 1. That ezTel Network Services, LLC, is granted certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri, subject to all applicable statutes and Commission rules except as specified in this order.
- 2. That ezTel Network Services, LLC, is classified as a competitive telecommunications company. Application of the following statutes and regulatory rules shall be waived:

#### Statutes

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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
392.340 - reorganization(s)
392.330, RSMo Supp. 1999 - issuance of securities,
debts and notes
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#### Commission Rules

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4 CSR 240-10.020 - depreciation fund income
4 CSR 240-30.010(2)(C) - rate schedules
4 CSR 240-30.040 - Uniform System of Accounts
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
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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 4 CSR 240-33.040(5) - financing fees

3. That the tariff filed by ezTel Network Services, LLC, on January 12, 2000, and assigned Tariff File No. 200000626, is approved as amended to become effective on February 26, 2000. The tariff approved is:

# P.S.C. MO. TARIFF NO. 1 ORIGINAL SHEET 1 through ORIGINAL SHEET 32

- 4. That this order shall become effective on February 26, :
  - 5. That this case shall be closed on March 6, 2000.

BY THE COMMISSION

Hole Hred Roberts

Dale Hardy Roberts Secretary/Chief Regulatory Law Judge

(SEAL)

Keith Thornburg, 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 22nd day of February, 2000.