

# BEFORE THE PUBLIC SERVICE COMMISSION

## OF THE STATE OF MISSOURI

In the matter of the Application of American Phone  
Services Corp. for a Certificate of Service Authority )  
to Provide Interexchange Telecommunications ) **Case No. TA-2002-464**  
Services in the State of Missouri and for Competitive ) **Tariff No. 200200816**  
Classification. )

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

This order grants American Phone Services Corp. a certificate of service authority to provide interexchange telecommunications services and approves the company's proposed tariff.

American Phone applied to the Missouri Public Service Commission on March 27, 2002, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 2000.<sup>1</sup> On April 15, 2002, American Phone filed an amendment to its application. American Phone 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. American Phone is a Georgia corporation with its principal office located at 308 Maxwell Drive, Suite 100, Alpharetta, Georgia 30004.

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<sup>1</sup> All statutory references are to the Revised Statutes of Missouri (RSMo), revision of 2000, unless otherwise indicated.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on April 2, 2002, directing parties wishing to intervene to file their requests by April 17, 2002. 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.<sup>2</sup> Since no one has asked permission to intervene or requested a hearing, the Commission may grant the relief requested based on the application.

American Phone filed a proposed tariff in conjunction with its application with an effective date of May 11, 2002. American Phone's tariff describes the rates, rules, and regulations it intends to use, identifies American Phone as a competitive company, and lists the waivers requested. American Phone intends to provide resold switched long-distance interexchange service to residential and business customers on a statewide basis.

In its Memorandum filed on April 22, 2002, the Staff of the Commission recommended that the Commission grant American Phone 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 to become effective on May 11, 2002.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and American Phone should be granted a certificate of service authority. The Commission finds that the services American Phone proposes to offer are competitive and American Phone should be classified as a competitive company. The Commission finds that waiving the statutes and Commission

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<sup>2</sup> *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. 1989).

rules set out in the ordered paragraph below is reasonable and not detrimental to the public interest.

The Commission finds that American Phone'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 March 27, 2002, should be approved to become effective on May 11, 2002.

**IT IS THEREFORE ORDERED:**

1. That American Phone Services Corp. is granted a 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 American Phone Services Corp. 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
- 392.330 - issuance of securities, debts and notes
- 392.340 - reorganization(s)

**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 240-33.030       | - minimum charges   |
| 4 CSR 240-35           | - reporting of bypass and<br>customer-specific arrangements |

3. That the tariff filed by American Phone Services Corp. on March 27, 2002, under tariff number 200200816, is approved to become effective on May 11, 2002. The tariff approved is:

**P.S.C. Mo. Tariff No. 1**  
**Original Sheet 1 through Original Sheet 27**

4. That this order shall become effective on May 11, 2002.
5. That this case may be closed on May 12, 2002.

**BY THE COMMISSION**



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

( S E A L )

Nancy Dippell, Senior Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 26th day of April, 2002.