

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 19th
day of May, 1995.

In the matter of the application of (Calls For Less, Inc.))
For Less, Inc. for a certificate of service) CASE NO. TA-95-256
authority to provide intrastate inter-)
exchange telecommunications services.)

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY AND
ORDER APPROVING TARIFF

Calls For Less, Inc. (Applicant) applied to the Public Service Commission on February 28, 1995, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under § 392.440 RSMo 1994¹. Calls For Less asked the Commission to classify it as a competitive company and waive certain statutes and rules as authorized by §§ 392.361 and 392.420. Applicant is a Nebraska corporation, with its principal office at 9915 South 148th Street, Omaha, Nebraska 68138.

The Commission issued a Notice and Schedule of Applicants on March 7, 1995, directing parties wishing to intervene in the case to do so by March 22, 1995. Call For Less Long Distance, Inc., a certificated interexchange telecommunications company operating in Missouri, filed an application to intervene on March 15, 1995. Call For Less Long Distance, Inc. (Intervenor) applied for intervention because the Applicant's name is so similar to Intervenor's that customers could be confused as to which company's services they were purchasing and which company should be contacted regarding service problems. The Commission granted intervention

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

on March 21, 1995, and set the case for an early prehearing conference. Before the prehearing conference, which was scheduled for April 27, 1995, the parties informed the hearing examiner by letter that the case would be resolved without hearing if the amended application filed by Applicant were approved.

Applicant filed a Motion to Amend Application on April 21, 1995, asking that it be allowed to amend its application to show that it will be doing business in Missouri under the fictitious name of CFL, Inc. Applicant also submitted a Registration of Fictitious Name filed with the Secretary of State on April 17, 1995, showing Applicant's fictitious name as CFL, Inc.

Applicant filed a proposed tariff on April 21, 1995, with an effective date of May 22, 1995, showing the company's fictitious name of CFL, Inc. Applicant's tariff describes the rates, rules, and regulations it intends to use, identifies CFL as a competitive company, and lists the waivers requested. CFL intends to provide interexchange telecommunications services including "1+" long distance, 800 number, debit card, and operator services.

In its Memorandum filed May 4, 1995, the Staff of the Commission stated that Applicant's proposed services are the same or equivalent to those classified as competitive in Case No. TO-88-142, *In re 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 (September 1989). 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 also recommended that the Commission waive 4 CSR

240-33.040(5) [finance fee]. Staff recommended that the Commission approve the proposed tariff, effective May 22, 1995.

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 parties have resolved the problem which led to the intervention by Call For Less Long Distance and a hearing is no longer needed. The Commission finds that ~~the use of the~~ fictitious name CFL, Inc. will avoid confusing or misleading customers about the company's identity. The Commission is of the opinion that the Motion to Amend Application filed by Call For Less, Inc. d/b/a CFL, Inc. is reasonable and should be granted. The Commission concludes that, in order to avoid confusion between Applicant and Intervenor, Applicant must conduct its business in the state of Missouri under the name CFL, Inc.

The Commission finds that the services Applicant proposes to offer are competitive and Applicant should be classified as a competitive company. The Commission is of the opinion that waiving the statutes and Commission rules set out in Ordered Paragraph 2 is reasonable and not detrimental to the public interest.

The Commission determines, by authority of § 392.470, that Applicant should comply with the following regulatory requirements as reasonable and necessary conditions of certification:

- (1) Applicant must comply with reasonable requests by Staff for financial and operating data to allow Staff to monitor the intraLATA toll market. § 386.320.3.
- (2) Applicant must file tariffs containing rules and regulations applicable to customers, a description of the services provided, and a list of rates associated with those services in

accordance with 4 CSR 240-30.010 and § 392.220.

- (3) Applicant may not unjustly discriminate between its customers.
§§ 392.200, 392.400.
- (4) Applicant must comply with all applicable rules of the Commission except those specifically waived by this order.
§§ 386.570, 392.360.
- (5) Applicant must file a Missouri-specific annual report.
§§ 392.210, 392.390.1.
- (6) Applicant must comply with jurisdictional reporting requirements as set out in each local exchange company's access services tariffs. § 392.390.3.
- (7) Applicant must submit to the staff, on a confidential basis, a copy of the jurisdictional report it submits to local exchange companies. The report must be submitted within ten (10) days of the date on which it is submitted to the local exchange company.

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 April 21, 1995, should be approved, effective May 22, 1995.

IT IS THEREFORE ORDERED:

1. That the Motion to Amend Application filed by Calls For Less, Inc. be granted and the original application be amended by interlineation to include Application's fictitious name of CFL, Inc.

2. That Calls For Less, Inc. d/b/a CFL, Inc. be granted a certificate of service authority to provide intrastate interexchange

telecommunications services in the state of Missouri, subject to the conditions of certification set out above.

3. That Calls For Less, Inc. d/b/a CFL, Inc. be classified as a competitive telecommunications company. The following statutes and regulatory rules shall be waived:

Statutes

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
392.330	- 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)	- rate schedules
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
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)	- finance fee

4. That the tariff filed by Calls For Less, Inc. d/b/a CFL, Inc. on April 21, 1995, be approved, effective May 22, 1995. The tariff approved is:

P.S.C. Mo. No. 1.

5. That this order shall become effective on May 22, 1995.

BY THE COMMISSION

A handwritten signature in cursive script, reading "David L. Rauch".

David L. Rauch
Executive Secretary

(S E A L)

McClure, Perkins, Kincheloe,
and Crumpton, CC., Concur.
Mueller, Chm., Absent.