

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 4th  
day of August, 1995.

In the matter of the application of Lyrihn     )  
Communications, Inc., for a certificate of     ) CASE NO. TA-95-408  
service authority to provide interexchange     )  
telecommunications service.                     )

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY AND  
ORDER APPROVING TARIFF

Lyrihn Communications, Inc. d/b/a Blue Earth applied to the Public Service Commission on June 8, 1995, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under § 392.440 RSMo 1994<sup>1</sup>. Blue Earth 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 Delaware corporation, with its principal office at 3162 North Broadway, Chicago, Illinois.

The Commission issued a Notice and Schedule of Applicants on June 20, 1995, directing parties wishing to intervene in the case to do so by July 5, 1995. Since no one requested a hearing or permission to intervene, the Commission determines that no hearing is necessary. ***State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission***, 776 S.W.2d 494, 496 (Mo.App. 1989).

Blue Earth filed a proposed tariff on July 7, 1995, and filed substitute sheets on July 17 and 21, 1995. The tariff's effective date is

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<sup>1</sup>All statutory references are to Revised Statutes of Missouri 1994.

August 7, 1995. Blue Earth's tariff describes the rates, rules, and regulations it intends to use, identifies Blue Earth as a competitive company, and lists the waivers requested. Blue Earth intends to provide interexchange telecommunications services including "1+" long distance, 800 number, WATS line, debit card, and operator services.

In its Memorandum filed July 28, 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 recommended that the Commission approve the tariff as amended, effective August 7, 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 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 Blue Earth'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 July 7, 1995, and amended on July 17 and 21, 1995, should be approved, effective August 7, 1995.

**IT IS THEREFORE ORDERED:**

1. That Lyrihn Communications, Inc. d/b/a Blue Earth 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.

2. That Lyrihn Communications, Inc. d/b/a Blue Earth 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

3. That the tariff filed by Lyrihn Communications, Inc. d/b/a Blue Earth on July 7, 1995, be approved as amended, effective August 7, 1995. The tariff approved is:

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

4. That this order shall become effective on August 7, 1995.

BY THE COMMISSION



David L. Rauch  
Executive Secretary

(S E A L)

Mueller, Chm., McClure, Kincheloe,  
Crompton, and Drainer, CC., Concur.