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

In the Matter of the Application of	)	
Rocky Mountain Broadband, Inc., for a	)	
Certificate of Service Authority to Provide	)	
Intrastate Interexchange and Non-Switched	)	<u>Case No. TA-99-568</u>
Local Exchange Telecommunications Services	)	Tariff No. 9900895
within the State of Missouri and for	)	
Competitive Classification	)	

**ORDER APPROVING INTEREXCHANGE AND NON-SWITCHED LOCAL EXCHANGE**  
**CERTIFICATES OF SERVICE AUTHORITY AND ORDER APPROVING TARIFF**

Rocky Mountain Broadband, Inc., (RMB) applied to the Public Service Commission on May 20, 1999, for certificates of service authority to provide intrastate interexchange and non-switched local exchange telecommunications services in Missouri under Sections 392.410-.450, RSMo 1994 and RSMo Supp. 1998<sup>1</sup>. RMB 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. RMB is a Colorado corporation, with its principal office located at 999 18th Street, Suite 2201, North Tower, Denver, Colorado 80202.

The Commission issued a Notice of Applications and Opportunity to Intervene on May 25, directing parties wishing to intervene to file their requests by June 9. The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has

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<sup>1</sup>All further statutory references are to the Revised Statutes of Missouri 1994 unless otherwise indicated.

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 asked permission to intervene or requested a hearing, the Commission may grant the relief requested based on the verified application.

RMB filed a proposed tariff in conjunction with its application and filed substitute sheets on June 11. The tariff's effective date is July 5. RMB's tariff describes the rates, rules, and regulations it intends to use, identifies RMB as a competitive company, and lists the waivers requested. RMB intends to provide interexchange and non-switched local exchange telecommunications services including 1+, 800/888/877 Services, Directory Assistance, Private Line, and Travel Card services.

In its Memorandum filed on June 18, the Staff of the Commission stated that RMB's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant RMB a certificate of interexchange service authority, and a certificate of service authority for local exchange telecommunication services on condition that this authority be restricted to providing dedicated, non-switched local exchange private line services. Staff recommended that the Commission grant RMB 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 July 5.

The Commission finds that competition in the intrastate interexchange and non-switched local exchange telecommunications markets

is in the public interest and RMB should be granted certificates of service authority. The Commission finds that the services RMB proposes to offer are competitive and RMB 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 RMB's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated interexchange and non-switched local exchange carriers. The Commission finds that the proposed tariff filed on May 20 shall be approved as amended to become effective on July 5.

**IT IS THEREFORE ORDERED:**

1. That Rocky Mountain Broadband, Inc., is 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 Rocky Mountain Broadband, Inc., is granted a certificate of service authority to provide local exchange telecommunications services in the state of Missouri limited to providing dedicated, non-switched local exchange private line services, subject to all applicable statutes and Commission rules except as specified in this order.

3. That Rocky Mountain Broadband, Inc., is classified as a competitive telecommunications company. Application of 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  
392.340 - reorganization(s)  
392.330, RSMo Supp. 1998- issuance of securities, debts and notes

Commission Rules

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
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

4. That the tariff filed by Rocky Mountain Broadband, Inc., on May 20, 1998, and assigned tariff number 9900895 is approved as amended to become effective on July 5, 1999. The tariff approved is:

P.S.C. Mo. No. 1

5. That this order shall become effective on July 5, 1999.

6. That this case may be closed on July 6, 1999.

BY THE COMMISSION



Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

(S E A L)

Morris L. Woodruff, 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 21st day of June, 1999.

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COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION