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

In the Matter of the Application of Nextlink    )  
Missouri, Inc., for a Certificate of Service    )  
Authority to Provide Intrastate Interexchange   )  
Telecommunications Services to the Public       )  
within the State of Missouri                    )

Case No. TA-99-220  
Tariff File 9900392

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

Nextlink Missouri, Inc. (NLM) applied to the Public Service Commission on November 16, 1998 for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.410-.450, RSMo 1994, and RSMo Supp. 1997<sup>1</sup>. NLM 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. NLM is a Washington corporation, with its principal office located at 500 108th Avenue NE, Suite 2200, Bellevue, WA 98004.

The Commission issued a Notice of Applications and Opportunity to Intervene on November 24, 1998, directing parties wishing to intervene to file their requests by November 9, 1998. 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, 776 S.W.2d 494, 496 (Mo. App. 1989). Since no one

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

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

NLM filed a proposed tariff in conjunction with its application and filed substitute sheets on January 4 and 8, 1999. The tariff's effective date is January 29, 1999. NLM's tariff describes the rates, rules, and regulations it intends to use, identifies NLM as a competitive company, and lists the waivers requested. NLM intends to provide interexchange and non-switched local exchange telecommunications services including 1+ dialing, 800/888/877 services, directory assistance, and operator services.

In its Memorandum filed on January 20, 1999, the Staff of the Commission stated that NLM's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant NLM a certificate of interexchange service authority. Staff recommended that the Commission grant NLM 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 January 29, 1999.

The Commission finds that competition in the intrastate interexchange and non-switched local exchange telecommunications markets is in the public interest and NLM should be granted certificates of service authority. The Commission finds that the services NLM proposes to offer are competitive and NLM 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 NLM'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 November 11, 1998 shall be approved as amended to become effective on January 29, 1999.

**IT IS THEREFORE ORDERED:**

1. That Nextlink Missouri, 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 Nextlink Missouri, 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. 1997 - 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

3. That the tariff filed by Nextlink Missouri, Inc. on November 16, 1998 and assigned tariff file number 9900392 is approved as amended to become effective on January 29, 1999. The tariff approved is:

**Missouri P.S.C. Tariff No. 1**

4. That this order shall become effective on January 29, 1999.

5. That this case may be closed on January 30, 1999.

**BY THE COMMISSION**



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

( S E A L )

Bill Hopkins, Senior 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 25th day of January, 1999.

