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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 Basic Local Exchange Telecommunications Services in Portions of the State of Missouri and for Competitive Classification. )  
)  
) Case No. TA-99-567  
)  
)  
)

ORDER DIRECTING PARTIES TO SUBMIT ADDITIONAL INFORMATION

Rocky Mountain Broadband, Inc. (RMB) filed an Application for Certificate of Service Authority and for Competitive Classification with the Commission on May 20, 1999. By its application, RMB seeks authority to provide basic local telecommunications services in portions of Missouri that are currently served by Southwestern Bell Telephone Company (SWBT), GTE Midwest, Inc. (GTE) and Sprint Missouri, Inc. d/b/a Sprint (Sprint). On May 25, the Commission issued a Notice of Applications that established an intervention deadline of June 24. No applications for intervention have been received.

Two aspects of this case trouble the Commission. First, RMB requests authority to operate in the exchanges currently served by SWBT, GTE and Sprint. However, contrary to its usual practice, SWBT has not sought to intervene in this matter. Second, the Commission has in the past included in orders granting basic local service authority a restriction regarding cost justification of increases in switched access rates. This restriction has been included as part of a stipulation and agreement between the applicant, Staff and SWBT. The Commission's

authority to add such a restriction to RMB's application for service authority without either a hearing or the filing of a stipulation and agreement between the parties is unclear. The Commission would like to have these two matters clarified by the parties.

**IT IS THEREFORE ORDERED:**

1. That no later than August 2, 1999, Staff and Rocky Mountain Broadband, Inc., shall file separate pleadings detailing the contacts they have had with Southwestern Bell Telephone Company, GTE Midwest, Inc. and Sprint Missouri, Inc. d/b/a Sprint regarding this application.

2. That no later than August 2, 1999, Staff shall file a pleading indicating by what authority the Commission may add a restriction to Rocky Mountain Broadband, Inc.'s, application without either a hearing or a stipulation and agreement submitted by the parties.

3. That this order shall become effective on July 22, 1999.

**BY THE COMMISSION**

*Dale Hardy Roberts*

**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 12th day of July, 1999.

**RECEIVED**

**JUL 13 1999**

**COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION**