

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
March 29, 2001**

**CASE NO: TA-2001-408**

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**James M. Fischer**  
Fischer & Dority, P.C.  
101 Madison, Suite 400  
Jefferson City, MO 65101

**Enclosed find certified copy of an ORDER in the above-numbered case(s).**

**Sincerely,**

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, flowing style.

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

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

In the Matter of the Application of Telmex	)	
USA, L.L.C., for a Certificate of Service	)	<b>Case No. TA-2001-408</b>
Authority to Resell Intrastate Interexchange	)	Tariff No. 200100774
Telecommunications Services within the	)	
State of Missouri.	)	

**ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE**  
**AUTHORITY AND ORDER APPROVING TARIFF**

Telmex USA, L.L.C. (Telmex USA) applied to the Public Service Commission on January 24, 2001, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 2000.<sup>1</sup> Telmex USA asked the Commission to classify it as a competitive company, and to waive certain statutes and rules as authorized by Sections 392.361 and 392.420. Telmex USA is a Delaware limited liability company with its principal office located at 9444 Farnham St., Suite 200, San Diego, California 92123.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on January 30, directing parties wishing to intervene to file their requests by February 14. No requests to intervene were filed. The requirement for a hearing is met when the opportunity for hearing has

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<sup>1</sup> All statutory references are to the Revised States of Missouri 2000 unless otherwise indicated.

been provided and no proper party has requested the opportunity to present evidence.<sup>2</sup> Since no one has asked permission to intervene or requested a hearing, the Commission may grant the relief requested based on the application.

Telmex USA filed a proposed tariff in conjunction with its application and filed substitute sheets on March 21. The tariff's original effective date was March 12, but Telmex USA subsequently extended the effective date of the tariff until April 9. Telmex USA's tariff describes the rates, rules, and regulations it intends to use, identifies Telmex USA as a competitive company, and lists the waivers requested. In its Memorandum filed on March 27, 2001, the Staff of the Commission recommended that the Commission grant Telmex USA 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 proposed tariff, as amended, to become effective on April 9.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and that Telmex USA should be granted a certificate of service authority. The Commission finds that the services Telmex USA proposes to offer are competitive and that Telmex USA 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.

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<sup>2</sup> *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. 1989).

The Commission finds that Telmex USA's proposed tariff details the services, equipment, and pricing it proposes to offer. The Commission finds that the proposed tariff filed on January 24 should be approved, as amended, to become effective on April 9.

**IT IS THEREFORE ORDERED:**

1. That Telmex USA, L.L.C. is granted a certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri, subject to all applicable statutes and Commission rules except as specified in this order.

2. That Telmex USA, L.L.C. is classified as a competitive telecommunications company. Application of the following statutes and regulatory rules shall be waived:

**Statutes**

392.210.2 - uniform system of accounts  
392.240.1 - rates-rentals-service & physical connections  
392.270 - valuation of property (ratemaking)  
392.280 - depreciation accounts  
392.290 - issuance of securities  
392.300.2 - acquisition of stock  
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**

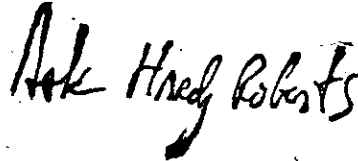
4 CSR 240-10.020 - depreciation fund income  
4 CSR 240-30.010(2)(C) - posting of tariffs  
4 CSR 240-30.040 - uniform system of accounts  
4 CSR 240-33.030 - minimum charges  
4 CSR 240-35 - reporting of bypass and  
customer-specific arrangements

3. That the tariff filed by Telmex USA, L.L.C. on January 24, 2001, under tariff number 200100774, is approved, as amended, to become effective on April 9, 2001. The tariff approved is:

P.S.C. Mo. No. 1

4. That this order shall become effective on April 9, 2001.
5. That this case may be closed on April 10, 2001.

**BY THE COMMISSION**



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

( S E A L )

Morris L. Woodruff, Senior Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 29th day of March, 2001.

FYI: To Be Issued By Delegation

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TH-2001-408  
CASE NO.

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Drainer, Vice Chair

[Signature]  
Mutzey, Commissioner

[Signature]  
Schemenauer, Commissioner

[Signature]  
Stimmons, Commissioner

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and  
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,  
Missouri, this 29<sup>th</sup> day of March 2001.

[Signature: Dale Hardy Roberts]

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

