

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of ACCXX Communications,)
LLC, for a Certificate of Service Authority to Provide Inter-) **Case No. TA-2002-461**
exchange Telecommunications Services and to Classify) Tariff No. 200200806
Such Services and the Company as Competitive.)

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

This order grants ACCXX Communications, LLC, a certificate of service authority to provide interexchange telecommunications services and approves the company's proposed tariff.

ACCXX Communications applied to the Missouri Public Service Commission on March 26, 2002, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 2000.¹ ACCXX Communications 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. ACCXX Communications is a Delaware limited liability company with its principal office located at 100 South Ashley Drive, Suite 870, Tampa, Florida 33602.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on April 2, 2002, directing parties wishing to intervene to file their requests by April 17, 2002. The requirement for a hearing is met

¹ All statutory references are to the Revised Statutes of Missouri (RSMo), revision of 2000, unless otherwise indicated.

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

ACCXX Communications filed a proposed tariff in conjunction with its application with an effective date of May 10, 2002. ACCXX Communications' tariff describes the rates, rules, and regulations it intends to use, identifies ACCXX Communications as a competitive company, and lists the waivers requested. ACCXX Communications intends to provide interexchange telecommunications services including direct outbound dialing (1+ and 101XXXX), 800 and 888 (inbound toll-free), travel cards, and prepaid calling card services.

In its Memorandum filed on April 26, 2002, the Staff of the Commission recommended that the Commission grant ACCXX Communications 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 to become effective on May 10, 2002.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and ACCXX Communications should be granted a certificate of service authority. The Commission finds that the services ACCXX Communications proposes to offer are competitive and ACCXX Communications should be classified as a competitive company. The Commission finds that waiving the statutes and

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

Commission rules set out in the ordered paragraph below is reasonable and not detrimental to the public interest.

The Commission finds that ACCXX Communications' 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 March 26, 2002, should be approved to become effective on May 10, 2002.

IT IS THEREFORE ORDERED:

1. That ACCXX Communications, LLC, 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 ACCXX Communications, LLC, 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

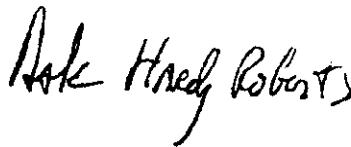
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|------------------------|---|
| 4 CSR 240-10.020 | - depreciation fund income |
| 4 CSR 240-30.010(2)(C) | - posting of tariffs |
| 4 CSR 240-30.040 | - uniform system of accounts |
| 4 CSR 240-33.030 | - minimum charges |
| 4 CSR 240-35 | - reporting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

3. That the tariff filed by ACCXX Communications, LLC, on March 26, 2002, under tariff number 200200806, is approved to become effective on May 10, 2002. The tariff approved is:

P.S.C. Mo. Tariff No. 1
Original Sheet 1 through Original Sheet 32

4. That this order shall become effective on May 10, 2002.
5. That this case may be closed on May 11, 2002.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Vicky Ruth, Senior Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 1st day of May, 2002.