

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 29th
day of December, 1993.

In the matter of the Application of One)	
Call Communications, Inc., doing business)	
as OPTICOM, for classification as a)	<u>Case No. TO-94-58</u>
competitive telecommunications company)	
and for authority to consolidate its)	
tariffs with those of One Call)	
Communications, Inc.)	

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY

On August 20, 1993, One Call Communications, Inc. (One Call or Applicant) d/b/a OPTICOM (OPTICOM) filed an Application for a Competitive Service Classification and for Authority to Consolidate Tariffs. The tariff consolidation would combine the existing tariffs of One Call and OPTICOM into a single tariff. On October 12, 1993, OPTICOM filed an amended Application for only competitive classification of its services. OPTICOM withdrew its request to consolidate tariffs after receiving permission from the Commission's Executive Secretary that the two (2) companies could file a single annual report for both companies. The Commission issued an Order and Notice on October 22, 1993, setting an intervention deadline of November 22, 1993. There were no motions for hearing and no one requested intervention. On December 8, 1993, the Staff of the Missouri Public Service Commission (Staff) filed its Memorandum recommending approval of Company's Application.

The requirement of a hearing has been fulfilled when all those having a desire to be heard are offered such an opportunity. In this case, notice was sent by the Commission. Interested persons or entities were directed to intervene on or before November 22, 1993. Since no proper party or governmental entity filed an application to intervene and there are no outstanding requests

for a hearing, the Commission determines that an oral hearing is not necessary and the Applicant may submit evidence in support of its Application by verified statement. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. 1989).

The Commission finds that Applicant is a foreign corporation authorized to do business in the state of Missouri, with its principal office or place of business located at 801 Congressional Blvd., Carmel, Indiana 46032. The Commission further finds that OPTICOM was granted a Certificate of Service Authority to provide intrastate interexchange telecommunications services in Case No. TA-91-156. OPTICOM provides only operator services and its tariff was approved by the Commission with an effective date of May 10, 1991. (The Commission further finds that Applicant has filed current financial information and a brief description of the type of service it proposes to provide, and has agreed to comply with all applicable rules and regulations of the Commission and any terms and conditions which the Commission may impose.)

By its recommendation filed herein, Staff states that Applicant's proposed services are the same as those classified as competitive in Case No. TO-88-142, *In re the investigation for the purpose of determining the classification of the services provided by interexchange telecommunications companies within the State of Missouri*, Mo. P.S.C. (N.S.) 16 (September 1989). Staff therefore recommends that the Commission grant Applicant competitive status. OPTICOM requested only that it be granted competitive classification. OPTICOM failed to request the waiver of the statutes and rules which the Commission routinely waives. The Staff notes that the rules and statutes were listed in the order and notice in this case and these have been previously waived for other telecommunications companies that receive competitive classification. Therefore, Staff recommends Commission approval of the waivers listed in the

Commission's Order and Notice for this company in addition to the granting of the competitive classification.

Based upon the verified statement of Applicant and Staff's recommendation, the Commission finds that all of the services Applicant proposes to offer are competitive and that Applicant should, therefore, be classified as a competitive company. The Commission further finds that the waiver of the following statutory and regulatory requirements is, pursuant to Section 392.361(5), reasonable and not detrimental to the public interest.

Pursuant to Section 392.470, the Commission determines that certain regulatory requirements should be imposed upon resellers authorized to provide telecommunication services in Missouri. Since the Applicant proposes to operate as a reseller of telecommunication services in this state, the Commission finds that the following regulatory requirements should be imposed upon Applicant as reasonable and necessary conditions of certification:

- (1) Applicant is required to comply with reasonable requests by the Staff for financial and operating data to allow the Staff to monitor the intraLATA toll market pursuant to Section 386.320.3.
- (2) Applicant is required to file tariffs containing rules and regulations applicable to customers, a description of the services provided and a list of rates associated with the services pursuant to Section 392.220 and 4 CSR 240-30.010.
- (3) Applicant's tariff filing must also contain a preliminary section which states that Company is a competitive carrier and identifies the statutory and rule waivers herein granted.
- (4) Applicant is precluded from unjustly discriminating between and among its customers pursuant to Section 392.200 and Section 392.400.

- (5) Applicant is required by Sections 386.570, RSMo 1986, and 392.360, to comply with all applicable rules of the Commission except those which have specifically been waived by this Order.
- (6) Applicant is required to file a Missouri-specific annual report pursuant to Section 392.210 and Section 392.390.1.
- (7) Pursuant to Section 392.390.3, Applicant is required to comply with the jurisdictional reporting requirements as set out in each local exchange company's access services tariff.
- (8) A copy of the jurisdictional report submitted to local exchange companies shall be submitted to the Staff on a confidential basis within ten (10) days of the date on which they are submitted to the local exchange company.

The Commission also finds that Applicant shall file appropriate tariff within thirty (30) days of the effective date of this Order. The competitive status and waiver of statutes and rules granted herein will become effective only upon approval by the Commission of the filing of tariffs or revised tariffs.

The Commission finds that additional competition in the intrastate interexchange market is in the public interest. The Commission also has found that all the services Applicant proposes to offer are competitive and that waiving the statutes and Commission rules set out below is reasonable and not detrimental to the public interest. Therefore, the Commission concludes that Applicant should be classified as a competitive company pursuant to Section 392.361.

IT IS THEREFORE ORDERED:

1. That One Call Communications, Inc. d/b/a OPTICOM be granted hereby a certificate of service authority to provide intrastate interexchange telecommunication services in Missouri. This certificate of service authority is subject to the conditions of certification set out herein and shall not become

effective until the Commission approves Applicant's tariffs.

2. That One Call Communications, Inc. d/b/a OPTICOM be classified hereby as a competitive telecommunications company for which the effect of the following statutory and regulatory requirements 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
- 392.330 - issuance of securities, debt and notes
- 392.340 - reorganization(s)

Commission Rules

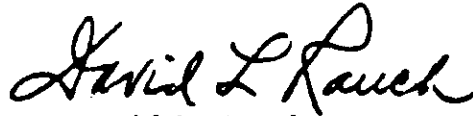
- 4 CSR 240-10.020 - depreciation fund income
- 4 CSR 240-30.010(2)(C) - rate schedules
- 4 CSR 240-30.060(5)(B) through (O) - records re: ratemaking
- 4 CSR 240-32.030(1)(B) - exchange boundary maps
- 4 CSR 240-32.030(1)(C) - record keeping
- 4 CSR 240-32.030(2) - in-state record keeping
- 4 CSR 240-32.050(3) - 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

3. That One Call Communications, Inc. d/b/a OPTICOM shall file tariffs, as described by this order, within thirty (30) days of the effective date of this Order; that said tariffs shall, by index or preface, identify Company as a competitive company and identify each statute or regulation waived by this order.

4. That the Applicant shall file its PIU reports as set out herein.

5. That this Order shall become effective on January 11, 1994.

BY THE COMMISSION

A handwritten signature in cursive script, reading "David L. Rauch".

David L. Rauch
Executive Secretary

(S E A L)

McClure, Perkins
Kincheloe and Crumpton, CC., Concur.
Mueller, Chm., Absent.