

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the matter of the application of Gateway Long)
Distance Services, Inc., for permission,)
approval and a certificate of convenience and)
necessity authorizing it to offer resale) CASE NO. TA-90-235
telecommunications services to the public in)
the State of Missouri and to be classified as a)
competitive telecommunications company providing)
competitive telecommunications services.)

APPEARANCES: Donald C. Otto, Jr., Attorney at Law, 235 East High Street,
Jefferson City, Missouri 65102, for Gateway Long Distance
Services, Inc.

HEARING
EXAMINER: Michael F. Pfaff

REPORT AND ORDER

On March 13, 1990, Gateway Long Distances Services, Inc. (Gateway or Applicant) applied for a certificate of authority under Chapter 392, RSMo (Cum., Supp. 1989)¹ to operate as an intrastate reseller of telecommunication services and also applied, pursuant to Section 392.361, for designation as a competitive telecommunications company. On March 27, 1990, the Commission issued its Order and Notice, directing that notice be sent and establishing an intervention deadline of April 26, 1990. No one sought intervention or requested a hearing.

On April 25, 1990, the General Counsel's office and the Staff recommended that Gateway receive a certificate of authority as well as a designation as a competitive telecommunications company pursuant to the statutes above cited.

¹Unless otherwise indicated, all statutory citations are to RSMO Cum. Supp., 1989.

The Commission finds that the hearing requirement in Section 392.361 has been satisfied when, as here, notice and an opportunity to be heard have been provided and no one requested a hearing. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. 1989).

Applicant has submitted its evidence by verified statement which, pursuant to Section 536.070(12), RSMo 1986, suffices to support the grant of authority Gateway has requested.

Findings of Fact

Having considered all of the competent and substantial evidence upon the whole record, the Missouri Public Service Commission makes the following findings of fact:

Gateway Long Distance Services, Inc. is a reseller of interexchange telecommunication services and proposes, in Missouri, to resell said services by providing 1+ service in areas of equal access.

Based on the Staff recommendation referenced above, the Commission finds that Gateway Long Distance Services, Inc. is a competitive telecommunications company offering competitive services. The Commission also finds that the statutory and regulatory requirements listed below, and waived in Commission Case No. TO-88-142², should also be waived in favor of Gateway Long Distance Services, Inc.

- Section 392.240(1) (Commission rate-setting)
- Section 392.270 (property valuation)
- Section 392.280 (depreciation accounts)
- 4 CSR 240-30.010(2)(C) (copies of rate schedules)
- 4 CSR 240-30.060(5) (rate case requirements)
- 4 CSR 240-32.030(1)(C) (access line and grade of service complaints)

²In the matter of the investigation for the purpose of determining the classification of the services provided by interexchange telecommunications companies within the State of Missouri.

- 4 CSR 240-32.050(3) (information at business offices)
- 4 CSR 240-32.050(4) (telephone directories)
- 4 CSR 240-32.050(5) (call interception)
- 4 CSR 240-32.050(6) (telephone number changes)
- 4 CSR 240-32.070(4) (coin telephone)

Finding further, the Commission determines that Gateway should file its initial tariff for Commission approval within thirty (30) days of the issue date of this order.

Conclusions

The Missouri Public Service Commission has arrived at the following conclusions:

The Commission concludes that pursuant to Section 393.361 and Chapter 393, RSMo, Applicant is qualified to, and should, receive a certificate of authority and a designation as a competitive intrastate interexchange telecommunications company.

The Commission also concludes that the statutory and rule waivers listed above and made applicable to interexchange carriers in Commission Case No. TO-88-142 are also applicable to Gateway.

It is, therefore,

ORDERED: 1. That Gateway Long Distance Services, Inc. be certificated as an intrastate reseller of interexchange telecommunication services pursuant to Chapter 392, RSMo 1986.

ORDERED: 2. That Gateway Long Distance Services, Inc. is a competitive interexchange telecommunications carrier offering competitive intrastate services.

ORDERED: 3. That those statutes and regulations stated at page 2 of this order, and waived in Commission Case No. TO-88-142, are hereby waived for Gateway Long Distance Services, Inc.

ORDERED: 4. That within thirty (30) days of the issue date of this order, Gateway Long Distance Services, Inc. shall file for the Commission's

approval its initial tariff. Failing said approval, Applicant cannot provide telecommunication services under this certificate.

ORDERED: 5. That this Report and Order shall become effective on the 15th day of June, 1990.

BY THE COMMISSION

Harvey G. Hubbs
HGH

Harvey G. Hubbs
Secretary

(S E A L)

Mueller, Rauch, McClure and
Letsch-Roderique, CC., Concur.
Steinmeier, Chm., Absent.

Dated at Jefferson City, Missouri,
on the 5th day of June, 1990.