

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
August 30, 1999**

CASE NO: TA-2000-30

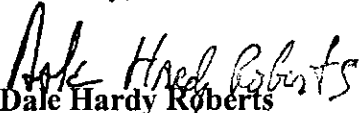
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Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,


Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Uncertified Copy:

OF THE STATE OF MISSOURI

In the Matter of the Application of Opex)
Communications, Inc., for a Certificate of) **Case No. TA-2000-30**
Service Authority to Provide Intrastate) **Tariff No. 200000058**
Interexchange and Local Exchange Tele-)
communications Services.)

ORDER APPROVING INTEREXCHANGE AND NON-SWITCHED LOCAL EXCHANGE
CERTIFICATES OF SERVICE AUTHORITY AND ORDER APPROVING TARIFF

Opex Communications, Inc. (Opex) applied to the Public Service Commission on July 9, 1999, for certificates of service authority to provide intrastate interexchange and non-switched local exchange telecommunications services in Missouri under Section 392.410-.450, RSMo 1994, and RSMo Supp. 1998¹. Opex 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. Opex is an Illinois corporation, with its principal office located at 500 East Higgins Road, Elk Grove Village, Illinois 60007.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on July 27, directing parties wishing to intervene to file their requests by August 11. The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence. State ex rel. Rex Deffenderfer

¹ All further statutory references are to the Revised Statutes of Missouri 1994 unless otherwise indicated.

Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989). Since no one has asked permission to intervene or requested a hearing, the Commission may grant the relief requested based on the verified application.

Opex filed a proposed tariff in conjunction with its application with a proposed effective date of August 23. Opex extended the effective date by letter to September 7. Substitute tariff sheets were filed on August 23. Opex's tariff describes the rates, rules, and regulations it intends to use, identifies Opex as a competitive company, and lists the waivers requested. Opex intends to provide interexchange and non-switched local exchange telecommunications services including 1+, 800/888/877, Directory Assistance, Private Line, and Travel Card services.

In its memorandum filed on August 26, the Staff of the Commission stated that Opex's proposed services are similar to existing interexchange telecommunications offerings. Staff recommended that the Commission grant Opex a certificate of interexchange service authority, and a certificate of service authority for local exchange telecommunication services on condition that this authority be restricted to providing dedicated, non-switched local exchange private line services. Staff recommended that the Commission grant Opex 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 September 7.

The Commission finds that competition in the intrastate interexchange and non-switched local exchange telecommunications markets is in the public interest and Opex should be granted certificates of service authority. The Commission finds that the services Opex proposes to offer are competitive and Opex 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.

The Commission finds that Opex's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated interexchange and non-switched local exchange carriers. The Commission finds that the proposed tariff filed on July 9 shall be approved as amended to become effective on September 7.

IT IS THEREFORE ORDERED:

1. That Opex Communications, Inc., is granted a certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri, subject to the conditions of certification set out above.

2. That Opex Communications, Inc., is granted a certificate of service authority to provide local exchange telecommunications services in the state of Missouri limited to providing dedicated, non-switched local exchange private line services, subject to all applicable statutes and Commission rules except as specified in this order.

3. That Opex Communications, Inc., is classified as a competitive telecommunications company. Application of the following statutes and regulatory rules 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
392.340 - reorganization(s)
392.330, RSMo Supp. 1998 - issuance of securities,
debts and notes

Commission Rules

4 CSR 240-10.020 - depreciation fund income
4 CSR 240-30.010(2)(C) - rate schedules
4 CSR 240-30.040 - Uniform System of Accounts
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
4 CSR 240-33.040(5) - financing fees

4. That the tariff filed by Opex Communications, Inc., on July 9, 1999, and assigned Tariff File No. 200000058, is approved as amended to become effective on September 7, 1999. The tariff approved is:

Missouri P.S.C. Tariff No. 1

5. That this order shall become effective on September 7, 1999.

6. That this case may be closed on September 8, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Nancy Dippell, Senior 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 30th day of August, 1999.

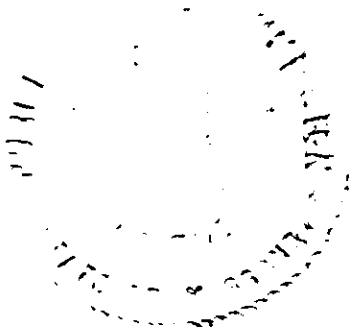
**STATE OF MISSOURI
OFFICE OF THE PUBLIC SERVICE COMMISSION**

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 30TH day of AUGUST, 1999.



Dale Hardy Roberts

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