

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the matter of the application of NCN Communications,)
Inc., for a certificate of service authority to resell) CASE NO. TA-90-157
interexchange telecommunications services within the)
State of Missouri.)

APPEARANCES: Paul H. Gardner, Attorney at Law, P. O. Box 1251, Jefferson City,
Missouri 65102, and Jeffrey G. Williams, General Counsel,
1440 North Fiesta Boulevard, Suite 100, Gilbert, Arizona 85234,
for NCN Communications, Inc.

HEARING

EXAMINER: Michael F. Pfaff

REPORT AND ORDER

On February 1, 1990, NCN Communications, Inc. (NCN 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 February 16, 1990, the Commission issued its Order and Notice, directing that notice be sent and establishing an intervention deadline of March 16, 1990. No one sought intervention or requested a hearing.

On April 17, 1990, the General Counsel's office and the Staff recommended that NCN receive a certificate of authority as well as a designation as a competitive telecommunications company pursuant to the statutes above cited.

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*

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

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 NCN 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:

NCN Communications, 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. Applicant will not provide 0+ dialing or presently provide operator service to traffic aggregator locations.

Based on the staff recommendation referenced above, the Commission finds that NCN 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 NCN.

- 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)
- 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)

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.

Finding further, the Commission determines that NCN should file its initial tariff for Commission approval within ten (10) 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 NCN.

It is, therefore,

ORDERED: 1. That NCN Communications, Inc. be certificated as an intrastate reseller of interexchange telecommunication services pursuant to Chapter 392, RSMo 1986.

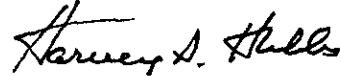
ORDERED: 2. That NCN Communications, Inc. is a competitive interexchange telecommunications carrier offering competitive intrastate services.

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 NCN Communications, Inc.

ORDERED: 4. That within ten (10) days of the issue date of this order, NCN Communications, Inc. shall file for the Commission's approval its initial tariff.

ORDERED: 5. That this Report and Order shall become effective on the
21st day of May, 1990.

BY THE COMMISSION



Harvey G. Hubbs
Secretary

(S E A L)

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

Dated at Jefferson City, Missouri, on the
11th day of May, 1990.