

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the matter of the application of Orchard House)
Partnership for a certificate of service authority)
to provide shared tenant services within the state)
of Missouri.)

CASE NO. TA-90-17

APPEARANCES: Robert H. Epstein, Attorney at Law, Susman, Schermer, Rimmel & Shifrin,
Tenth Floor Aragon Place, 7711 Carondelet Avenue, St. Louis, Missouri
63105-3388, for Orchard House Partnership.

HEARING

EXAMINER: Beth O'Donnell

REPORT AND ORDER

On July 24, 1989, Orchard House Partnership (Applicant) filed a verified application seeking a certificate of service authority to provide shared tenant services (STS).

The Commission issued its Order And Notice on August 18, 1989, directing its Secretary to send notice of this application. The Commission stated that in the event no proper party filed a request for hearing alleging that the granting of the application is not in the public interest, the Commission would grant the certificate of service authority requested herein on the basis of the verified application. No application to intervene or motion to schedule a hearing was filed.

On October 24, 1989, the Commission's staff filed its Memorandum herein recommending approval of the application.

Findings of Fact

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

Applicant requests authority to provide STS within the state of Missouri. Applicant is a partnership operating from a principal place of business located at 21 North Old Orchard Road, Webster Groves, Missouri 63119.

The Commission set twelve standards for providing STS in TO-86-53. Staff has reviewed the application in light of these standards and concluded that the instant application meets all of them. Having reviewed the application and its attachments and Staff's recommendation, the Commission finds that a grant of certificate to the Applicant to provide STS at 21 North Old Orchard Road, Webster Groves, Missouri 63119, would be in the public interest.

Conclusions of Law

The Missouri Public Service Commission has arrived at the following conclusions of law.

Applicant proposes to provide service to the public as a public utility subject to the Commission's jurisdiction pursuant to Chapters 386 and 392, R.S.Mo. (Supp. 1988).

This application is filed pursuant to Sections 392.440 and 392.520, R.S.Mo. (Supp. 1988), which provides that any company offering the resale of local exchange telecommunications service must first obtain a certificate of service authority. Section 392.440 further provides that the Commission shall approve such application upon a showing by the applicant and a finding by the Commission, after notice and hearing, that the grant of authority is in the public interest. The requirement of a hearing has been fulfilled when all those having a desire to be heard are offered such an opportunity.

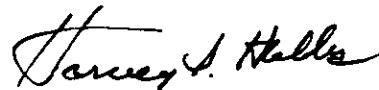
The Commission has determined that the approval of this application is in the public interest and a certificate of service authority to provide STS should be granted.

It is, therefore,

ORDERED: 1. That Orchard House Partnership is hereby granted a certificate of service authority to provide shared tenant services in the state of Missouri. This certificate of service authority is subject to the conditions of certification set forth in Case No. TO-86-53.

ORDERED: 2. That this Report And Order shall become effective on the 10th day of November, 1989.

BY THE COMMISSION



Harvey G. Hubbs
Secretary

(S E A L)

Steinmeier, Chm., Mueller
and Rauch, CC., Concur.
Fischer, C., Absent.

Dated at Jefferson City, Missouri,
on this 31st day of October, 1989.