

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 2nd day of
May, 2002.

In the Matter of the Application of Max-Tel Communications, Inc., for a Certificate of Service Authority to Provide Inter-exchange Telecommunications Services and to Classify Such Services and the Company as Competitive.)	
)	<u>Case No. TA-2002-448</u>
)	Tariff No. 200200787

ORDER SUSPENDING TARIFFS AND DIRECTING FILING

This order suspends the tariffs of Max-Tel Communications, Inc., pending the clarification of the issue of pending assessments. The order also directs Max-Tel and the Staff of the Missouri Public Service Commission to file additional information.

Max-Tel applied to the Missouri Public Service Commission on March 21, 2002, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 2000.¹ Max-Tel 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. Max-Tel was previously granted a certificate of authority to provide basic local telecommunications service. As part of its application, Max-Tel states that "[n]o Commission annual reports or assessment fees are overdue." Max-Tel filed a proposed tariff in conjunction with its application with an effective date of May 5, 2002.

In its Memorandum filed on April 17, 2002, the Staff of the Commission recommended that the Commission grant Max-Tel a certificate of service authority,

¹ All statutory references are to the Revised Statutes of Missouri (RSMo), revision of 2000, unless otherwise indicated.

competitive status, and waiver of the statutes and rules as requested. Staff recommended that the Commission approve the proposed tariff to become effective on May 5, 2002. Staff noted, however, that Max-Tel "is not in compliance with the current assessment requirements as a provider of basic local service." Staff indicates that it is working with counsel for the company to correct the problem. No response to Staff's recommendation was filed.

On April 25, 2002, the Commission directed Max-Tel to file a report, no later than April 29, 2002, stating whether it had any assessment still due to the Commission. No report was filed.

The Commission has authority pursuant to Section 392.220, RSMo 2000, to suspend the tariff filing. Because the issue of overdue assessments remains outstanding, the Commission will suspend the tariff pending clarification from the company and Staff.

The Commission will direct Max-Tel to comply with its previous Order Directing Filing or to show good cause why this application should not be dismissed. The Commission will also direct its Staff to provide additional information regarding the specific assessment fees that are overdue and whether it has had any additional contacts with the company.

IT IS THEREFORE ORDERED:

1. That the proposed tariff sheets submitted on March 21, 2002, by Max-Tel Communications, Inc., and assigned Tariff No. 200200787, are suspended for a period of 60 days beyond May 5, 2002, to July 4, 2002, or until otherwise ordered by this Commission.

2. That no later than May 13, 2002, Max-Tel Communications, Inc., shall comply with the April 25, 2002, Order Directing Filing, or show good cause why this application should not be dismissed.

3. That no later than May 13, 2002, the Staff of the Missouri Public Service Commission shall file a report as directed above.

4. That this order shall become effective on May 5, 2002.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read "Dale Hardy Roberts". The signature is written in a cursive, flowing style.

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

(S E A L)

Simmons, Ch., Murray, Gaw,
and Forbis, CC., concur.
Lumpe, C., absent.

Dippell, Senior Regulatory Law Judge