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

In the Matter of the Application of WorkNet )  
Communications, Inc., for a Certificate of )  
Service Authority to Provide Intrastate ) Case No. TA-99-350  
Interexchange and Local Telecommunications ) Tariff No. 9900594  
Service to the Public Within the State of )  
Missouri and for Competitive Classification. )

**ORDER APPROVING CERTIFICATE OF SERVICE AUTHORITY**  
**AND ORDER APPROVING TARIFF**

WorkNet Communications, Inc. (Applicant), applied to the Public Service Commission on February 16, 1999, for a certificate of service authority permitting it to provide intrastate interexchange and non-switched, local exchange telecommunications services in Missouri under Section 392.440, RSMo 1994<sup>1</sup>. Applicant asked the Commission to classify it as a competitive company and to waive certain statutes and rules as authorized by Sections 392.361 and 392.420. Applicant is a Delaware corporation, with its principal office located at 7777 Bonhomme Avenue, Suite 2000, St. Louis, Missouri 63105.

The Commission issued a Notice of Applications and Opportunity to Intervene on February 23, 1999, directing parties wishing to intervene to file their requests by March 25, 1999. Because the Notice of February 23, 1999, incorrectly stated that Applicant sought authority to provide basic local services rather than non-switched

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<sup>1</sup>All statutory references are to the Revised Statutes of Missouri 1994 unless otherwise indicated.

local services, a corrected Notice was issued on March 2, 1999. The corrected Notice reset the deadline for intervention requests to March 10, 1999.

On March 8, 1999, Southwestern Bell Telephone Company (SWBT) sought leave to intervene. The Commission granted leave to intervene to SWBT by its order issued March 16, 1999. On that same date, SWBT sought leave to withdraw, having determined that Applicant seeks non-switched local authority rather than basic local authority. The Commission issued notice of SWBT's withdrawal on March 17, 1999.

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 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.

Applicant filed a proposed tariff in conjunction with its application, describing the rates, rules, and regulations it intends to use. Applicant intends to provide 1+ long distance services, directory assistance services by third party vendor, and dedicated access, private line services. Because the tariff filed by Applicant with its application did not have a 45-day effective date, as required by Commission rule, 4 CSR 240-2.060(4)(H), the Commission issued a Notice of Deficiency on February 23, 1999. On March 1, Applicant cured the deficiency and filed substitute tariff sheets with the appropriate effective date. On March 24, 1999, Applicant by letter

extended the effective date of its tariff from April 2, 1999, to April 9, 1999. However, on March 29, 1999, Applicant filed revised, proposed tariff sheets with an effective date of April 2, 1999. On April 1, 1999, Applicant filed further revised, proposed tariff sheets and extended the tariff effective date to April 16, 1999.

In its Memorandum filed on April 7, 1999, the Staff of the Commission stated that Applicant's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant Applicant a certificate of service authority, 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 April 16, 1999. Staff further recommended that Applicant be limited under its non-switched local authority to offering only dedicated, private line services.

The Commission finds that competition in the telecommunications market is in the public interest and Applicant should be granted a certificate of service authority. The Commission finds that Applicant's revised proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated carriers. The Commission finds that the revised tariff sheets filed on April 1, 1999, shall be approved to become effective on April 16, 1999.

**IT IS THEREFORE ORDERED:**

1. That WorkNet Communications, Inc., is granted a certificate of service authority to provide intrastate interexchange telecommunications services and non-switched local exchange

telecommunications services in the state of Missouri, subject to all applicable statutes and Commission rules except as specified in this order, and subject to the condition that Applicant shall provide only dedicated, private line services under the non-switched local exchange authority.

2. That WorkNet 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

3. That the revised proposed tariff sheets filed by WorkNet Communications, Inc., on April 1, 1999, tariff no. 9900594, are approved to become effective on April 16, 1999. The tariff approved is:

4. That this order shall become effective on April 16, 1999.
5. That this case may be closed on April 17, 1999.

BY THE COMMISSION .



Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

( S E A L )

Kevin A. Thompson, Deputy Chief  
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 9th day of April, 1999.

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COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION