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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a session of the Public Service Commission held at its office in Jefferson City on the 15th day of October, 1997.

In the Matter of the Application of VoCall)
Communications Corp. for a Certificate of)
Service to Provide Intrastate Interexchange) **Case No. TA-98-77**
Telecommunications Service within the State)
of Missouri.)
)

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE
AUTHORITY AND ORDER APPROVING TARIFF

VoCall Communications Corp. (VoCall) applied to the Public Service Commission on August 22, 1997, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994.¹ VoCall 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. VoCall is a New York corporation, with its principal office located at 284 Sheffield Street, Mountainside, New Jersey.

The Commission issued a Notice of Applications and Opportunity to Intervene on September 2, directing parties wishing to intervene in the case to file their requests by September 17. 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

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

494, 496 (Mo. App. 1989). Since no one has asked permission to intervene or requested a hearing in this case, the Commission may grant the relief requested based on the verified application.

VoCall filed a proposed tariff in conjunction with its application and filed a substitute sheet on October 3. The tariff's effective date is October 20. VoCall's tariff describes the rates, rules, and regulations it intends to use, identifies VoCall as a competitive company, and lists the waivers requested. VoCall intends to provide intrastate interexchange telecommunications services including 1+ direct dial, nonswitched private line, debit card, travel card and directory assistance.

In its Memorandum filed on October 7 the Staff of the Commission stated that VoCall's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant VoCall 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 to become effective on October 20.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and VoCall should be granted a certificate of service authority. The Commission finds that the services VoCall proposes to offer are competitive and VoCall should be classified as a competitive company. The Commission is of the opinion that waiving the statutes and Commission rules set out in Ordered Paragraph 2 is reasonable and not detrimental to the public interest.

The Commission determines, by authority of Section 392.470, that VoCall should comply with the following regulatory requirements as reasonable and necessary conditions of certification:

- (1) VoCall must comply with reasonable requests by Staff for financial and operating data to allow Staff to monitor the intraLATA toll market. § 386.320.3.
- (2) VoCall must file tariffs containing rules and regulations applicable to customers, a description of the services provided, and a list of rates associated with those services in accordance with 4 CSR 240-30.010 and Section 392.220, RSMo Supp. 1996.
- (3) VoCall may not unjustly discriminate between its customers. §§ 392.200, RSMo Supp. 1996, 392.400.
- (4) VoCall must comply with all applicable rules of the Commission except those specifically waived by this order. §§ 386.570, 392.360.
- (5) VoCall must file a Missouri-specific annual report. §§ 392.210, 392.390.1.
- (6) VoCall must comply with jurisdictional reporting requirements as set out in each local exchange company's access services tariffs. § 392.390.3.
- (7) VoCall must submit to the Staff, on a confidential basis, a copy of the jurisdictional report it submits to local exchange companies. The report must be submitted within ten days of the date on which it is submitted to the local exchange company.

The Commission finds that VoCall's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated interexchange carriers.

The Commission finds that the proposed tariff filed on August 22 and amended on October 3 should be approved to become effective on October 20.

IT IS THEREFORE ORDERED:

1. That VoCall Communications Corp. 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 VoCall Communications Corp. is classified as a competitive telecommunications company. 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. 1996 - 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 tariff filed by VoCall Communications Corp. on August 22 is approved as amended to become effective on October 20, 1997.

The tariff approved is:

4. That this order shall become effective on October 20, 1997.
5. That this case shall be closed on October 30, 1997.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read "Cecil I. Wright". The signature is written in a cursive style with a long horizontal stroke at the end.

Cecil I. Wright
Executive Secretary

(S E A L)

Lumpe, Ch., Crumpton, Drainer
and Murray, CC., concur.

Randles, Regulatory Law Judge