

a:  
R6  
Bv

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 4th  
day of June, 1997.

In the Matter of the Application of       )  
PHONETIME, INC. d/b/a New York Phone    )  
Card, Inc. for a Certificate of            )  
Service Authority to Resell Intrastate    )  
Interexchange Telecommunications        )  
Services within the State of Missouri.    )

CASE NO. TA-97-470

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

PHONETIME, INC. d/b/a New York Phone Card, Inc. (PTI or Applicant) applied to the Public Service Commission on April 24, 1997, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under § 392.440 RSMo 1994<sup>1</sup>. PTI asked the Commission to classify it as a competitive company and waive certain statutes and rules as authorized by §§ 392.361 and 392.420. Applicant is a New York corporation, with its principal office located at 30-60 Whitestone Expressway, Whitestone, New York 11354.

The Commission issued a Notice of Applications and Opportunity to Intervene on April 29 directing parties wishing to intervene in the case to file their requests by May 14. Since no one requested a hearing or permission to intervene, the Commission determines that no hearing is necessary. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. 1989).

---

<sup>1</sup>All statutory references are to Revised Statutes of Missouri, 1994, or to the 1996 Supplement.

PTI filed a proposed tariff along with its application with an effective date of June 9 and filed substitute sheets on May 19 and May 22. PTI's tariff describes the rates, rules, and regulations it intends to use, identifies PTI as a competitive company and lists the waivers requested. PTI intends to provide interexchange telecommunications services including 1+ (direct dial), 800 services, directory assistance, and debit cards.

In its Memorandum filed on May 30, the Staff of the Commission (Staff) stated that Applicant's proposed rate structures or 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 noted that the two different debit card services proposed by Applicant have different per minute rates. One rate is for consumers frequently making shorter calls, and one is for consumers frequently making longer calls. Staff recommended that the Commission approve the tariff as amended to become effective on June 9.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Applicant should be granted a certificate of service authority. The Commission finds that the services Applicant proposes to offer are competitive and Applicant 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 § 392.470, that Applicant should comply with the following regulatory requirements as reasonable and necessary conditions of certification:

- (1) Applicant 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) Applicant 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 § 392.220.
- (3) Applicant may not unjustly discriminate between its customers. §§ 392.200, 392.400.
- (4) Applicant must comply with all applicable rules of the Commission except those specifically waived by this order. §§ 386.570, 392.360.
- (5) Applicant must file a Missouri-specific annual report. §§ 392.210, 392.390.1.
- (6) Applicant must comply with jurisdictional reporting requirements as set out in each local exchange company's access services tariff. § 392.390.3.
- (7) Applicant 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 (10) days of the date on which it is submitted to the local exchange company.

The Commission finds that PTI'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 April 24 should be approved as amended to become effective on June 9.

**IT IS THEREFORE ORDERED:**

1. That PHONETIME, INC. d/b/a New York Phone Card, Inc. 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 PHONETIME, INC. d/b/a New York Phone Card, Inc. 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                  |
| 392.330    | - issuance of securities, debts and notes |
| 392.340    | - reorganization(s)                       |

**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 PHONETIME, INC. d/b/a New York Phone Card, Inc. on April 24, 1997, is approved as amended to become effective on June 9, 1997. The tariff approved is:

**P.S.C. Mo. No. 1**

4. That this order shall become effective on June 9, 1997.

BY THE COMMISSION

A handwritten signature in cursive script, appearing to read "Cecil I. Wright".

Cecil I. Wright  
Executive Secretary

(S E A L)

Zobrist, Chm., Crumpton, Murray  
and Drainer, CC., concur.

ALJ: George