

1/20

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

In the Matter of the Application of Enhanced)
Communications Network, Inc., for a)
Certificate of Service Authority to Provide)
Intrastate Interexchange and Nonswitched)
Local Exchange Telecommunications Services to)
the Public within the State of Missouri and)
for Competitive Classification.)

Case No. TA-99-253

**ORDER APPROVING INTEREXCHANGE AND NON-SWITCHED LOCAL EXCHANGE
CERTIFICATES OF SERVICE AUTHORITY AND ORDER APPROVING TARIFF**

Enhanced Communications Network, Inc. (ENC) applied to the Public Service Commission on December 7, 1998 for certificates of service authority to provide intrastate interexchange and non-switched local exchange telecommunications services in Missouri under Section 392.410-.450, RSMo 1994, and RSMo Supp. 1997¹. ENC 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. ENC is a Delaware corporation, with its principal office located at 37 Winthrop Place, Hazlet, New Jersey 07730.

The Commission issued a Notice of Applications and Opportunity to Intervene on December 15, 1998, directing parties wishing to intervene to file their requests by December 30, 1998. The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to

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

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.

ENC filed a proposed tariff in conjunction with its application and filed substitute sheets on January 7, 1999. The tariff's effective date is January 21, 1999. ENC's tariff describes the rates, rules, and regulations it intends to use, identifies ENC as a competitive company, and lists the waivers requested. ENC intends to provide interexchange and non-switched local exchange telecommunications services including 1+ dialing, directory assistance, private line and debit card services.

In its Memorandum filed on January 11, 1999, the Staff of the Commission stated that ENC's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant ENC a certificate of interexchange service authority, and a certificate of service authority for local exchange telecommunication services on condition that this authority be restricted to providing dedicated, non-switched local exchange private line services. Staff recommended that the Commission grant ENC 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 January 21, 1999.

The Commission finds that competition in the intrastate interexchange and non-switched local exchange telecommunications

markets is in the public interest and ENC should be granted certificates of service authority. The Commission finds that the services ENC proposes to offer are competitive and ENC should be classified as a competitive company. The Commission finds that waiving the statutes and Commission rules set out in the ordered paragraph below is reasonable and not detrimental to the public interest.

The Commission finds that ENC's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated interexchange and non-switched local exchange carriers. The Commission finds that the proposed tariff filed on December 7, 1998 shall be approved as amended to become effective on January 21, 1999.

IT IS THEREFORE ORDERED:

1. That Enhanced Communications Network, 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 Enhanced Communications Network, Inc. is granted a certificate of service authority to provide local exchange telecommunications services in the State of Missouri limited to providing dedicated, non-switched local exchange private line services, subject to all applicable statutes and Commission rules except as specified in this order.

3. That Enhanced Communications Network, 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. 1997 - 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

4. That the tariff filed by Enhanced Communications Network, Inc. on December 7, 1998 is approved as amended to become effective on January 21, 1999. The tariff approved is:

Missouri P.S.C. Tariff No. 1

5. That this order shall become effective on January 21, 1999.

6. That this case may be closed on January 31, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Bill Hopkins, Senior 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 20th day of January, 1999.

RECEIVED

JAN 21 1999

COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION