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In the Matter of the Application of Long Distance America, Inc. for a Certificate of Service Authority to Provide Interexchange Telecommunications Services.)
) **Case No. TA-99-465**
) **Tariff No. 9900801**
)

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY AND ORDER APPROVING TARIFF

Long Distance America, Inc. (LDA) applied to the Public Service Commission on April 15, 1999, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994¹. LDA 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. LDA is a Florida corporation, with its principal office located at Long Distance America, Inc., 5807 North Andrews Way, Fort Lauderdale, Florida 33309.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on April 27, 1999, directing parties wishing to intervene to file their requests by May 12, 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,

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

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.

LDA filed a proposed tariff in conjunction with its application and filed substitute sheets on May 5, 1999. The tariff's effective date is May 30, 1999. LDA's tariff describes the rates, rules, and regulations it intends to use, identifies LDA as a competitive company, and lists the waivers requested. LDA intends to provide interexchange telecommunications services including 1+, 800/888/877 services, directory assistance, debit card, and travel card services.

In its Memorandum filed on May 17, 1999, the Staff of the Commission (Staff) stated that LDA's proposed services are similar to existing interexchange telecommunications offerings. Staff recommended that the Commission grant LDA 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 May 30, 1999.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and LDA should be granted a certificate of service authority. The Commission finds that the services LDA proposes to offer are competitive and LDA 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 LDA'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 15, 1999 shall be approved as amended to become effective on May 30, 1999.

IT IS THEREFORE ORDERED:

1. That Long Distance America, Inc. is granted a certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri, subject to all applicable statutes and Commission rules except as specified in this order.

2. That Long Distance America, 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 tariff filed by Long Distance America, Inc. on April 15, 1999, and assigned Tariff File No. 9900801, is approved as amended to become effective on May 30, 1999. The tariff approved is:

P.S.C. MO. TARIFF NO. 1
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4. That this order shall become effective on May 30, 1999, 1999.

5. That this case shall be closed on June 1, 1999.

BY THE COMMISSION

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Keith Thornburg, 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 21st day of May, 1999.

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