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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 18th day of February, 1998.

In the Matter of the Application of Birch Telecom )  
of Missouri, Inc., for a Certificate of Service )  
Authority to Provide Basic Local Telecommunications ) Case No. TA-97-372  
Service and Exchange Access Telecommunications )  
Services in the State of Missouri. )  
)

**ORDER APPROVING TARIFF**

The Commission granted to Birch Telecom of Missouri, Inc. (BTM) a certificate of service authority to provide basic local telecommunications services in Missouri by Report and Order issued on October 28, 1997. The Report and Order, which took effect on November 7, directed the company to file tariff sheets reflecting the rates, rules, regulations it will use and the services it will offer, and provided that BTM's certificate would become effective concurrent with the effective date of the company's proposed tariffs. The October 28 Report and Order temporarily waived the filing of a 45-day tariff as required by 4 CSR 240-2.060(4)(H) because, at the time the company filed for certification, it had not yet obtained Commission approval for its resale agreement with Southwestern Bell Telephone Company (SWBT). The Commission approved BTM's agreement with SWBT in Case No. TO-98-102 on November 18, 1997.

BTM filed the required tariff sheets (PSC Mo. No. 3) on January 21, 1998, with an effective date of February 20. The company filed substitute sheets on February 4 and 6. The tariff sets forth the charges,

rules and regulations which BTM will use to provide resold basic local telecommunications services in areas served by SWBT<sup>1</sup>.

The Commission's Staff reviewed the tariff sheets and filed a Memorandum on February 9 recommending that the Commission approve them as amended. Staff stated that BTM intends to offer resold business and residential services in many of the exchanges served by SWBT. Staff mentioned that PSC Mo. No. 3 includes terms upon which BTM will offer the following: Extended Area Service; Calling Features such as Call Forwarding, Call Return, Call Waiting, Caller I.D., Speed Calling, and Call Blocking services; Wide Area Telecommunications Services; Local and Toll Operator Assistance service; Directory Services; Direct Inward Dial (DID) services; Integrated Services Digital Network (ISDN) services; toll service; and other miscellaneous services. Staff noted that BTM's tariff is in compliance with the Commission's Report and Order granting BTM a certificate of service authority to provide basic local exchange telecommunications service in SWBT's territory, and with the Commission's rules and regulations, and includes appropriate language regarding 911/E911 service, deposits, caller I.D., operator services and service disconnections. According to Staff, BTM's proposed rates are structured identically to SWBT's and are comparable to the rates of other companies offering similar services. Staff recommended that the Commission approve the tariff as amended.

The Commission has reviewed the tariff sheets, the Staff's recommendation, and the pleadings in this case and Case No. TO-98-102. The Commission finds that the tariff sheets conform to the Commission's Report

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<sup>1</sup> BTM's certificate covers both resold and facilities-based services in territories served by SWBT, GTE Midwest Incorporated and Sprint Missouri, Inc. (f/k/a United Telephone Company of Missouri d/b/a Sprint).

and Order of October 28, 1997, are similar to tariffs approved for other competitive local exchange carriers and should be approved as amended to become effective on February 20, 1998. The Commission concludes that the conditions stated in the October 28, 1997, Report and Order for BTM's certificate of service authority to provide basic local telecommunications service will be fulfilled, with respect to resale of services in some of the areas currently served by SWBT, at the time PSC Mo. No. 3 takes effect.

**THEREFORE, IT IS ORDERED:**

1. That the tariff sheets filed by Birch Telecom of Missouri, Inc. on January 21, 1998, are approved as amended to become effective on February 20, 1998. The tariff sheets approved are:

PSC Mo. No. 3  
Original Sheets 1 through 121

2. That the certificate of service authority granted to Birch Telecom of Missouri, Inc. on October 28, 1997, to provide basic local telecommunications service shall take effect for the areas currently served by Southwestern Bell Telephone Company on February 20, 1998.

3. That this order shall become effective on February 20, 1998.

4. That this case shall be closed on February 28, 1998.

**BY THE COMMISSION**



**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

(S E A L)

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

Randles, Regulatory Law Judge

**RECEIVED**

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COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION