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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 4th
day of August, 1998.

In the Matter of the Application of KR & R)
Investment Corp. d/b/a Uplink for Certificate) Case No. TA-98-407
of Service Authority to Provide Shared Tenant)
Services Within the State of Missouri.)
)

ORDER APPROVING CERTIFICATE OF SERVICE AUTHORITY
TO PROVIDE SHARED TENANT SERVICES

KR & R Investment Corp. d/b/a Uplink (Uplink) applied to the Commission on April 15, 1998 for a certificate of service authority to provide shared tenant services (STS) in Missouri under Section 392.410, RSMo Supp. 1997. Uplink is a wholly owned subsidiary of U.P.A. Corporation (a/k/a University Place Apartments), and its principal place of business is at 1205 University Avenue, Suite 1000, Columbia, Missouri 65201. Uplink proposes to provide STS to a varying number of tenants in a single location, at 1205 University Avenue, Columbia, Missouri. Uplink has agreed to abide by all Commission rules and regulations applicable to STS providers.

The Commission issued an Order and Notice on April 22 directing parties wishing to intervene in the case to do so by May 22. No applications for intervention were filed. Since no one has requested intervention or a hearing, the Commission determines that no hearing is necessary. State ex rel. Rex Deffenderfer Enterprises, Inc. v. P.S.C., 776 S.W.2d 494, 496 (Mo. App. 1989).

The Staff of the Commission (Staff) filed a Memorandum on July 20 recommending that the Commission grant Uplink's application for a certificate of service authority to provide STS. Staff stated that Uplink had submitted all the required documentation and agreed to abide by Commission rules and regulations. Staff stated that it has reviewed the application and has no objections to approval of Uplink's application.

Shared tenant services are governed by Section 392.520, RSMo 1994 which provides that they shall be subject to the minimum regulation permitted by statute for competitive telecommunications services. The Commission established 12 conditions for certification of STS providers in Re Establishment of Appropriate Permanent Tariffs for the Provision of Shared Tenant Services (STS) Within Local Telephone Company Exchanges, 29 Mo. P.S.C. (N.S.) 373, 395 (1988):

1. The LEC will retain its provider of last resort obligation for all STS locations.
2. STS may only be provided to tenant premises which are located in an entire single building or less, unless a waiver of this condition is granted by the Commission. The definition of an entire single building is as approved in the interim tariffs in Case No. TC-84-233.
3. An LEC shall only provide one point of demarcation to an STS location regardless of the number of PBXs connected at the STS location.
4. The STS location shall consist of all tenant premises where STS is provided by the STS provider which meet the conditions of paragraph 2.
5. STS providers shall pay the flat trunk PBX access rate for access to the LEC system.
6. The STS conditions in this order shall apply to service to all nontransient tenants as described in this order.
7. Customer-owned coin telephones shall access the local exchange telephone network through a separate access line under separate tariffs.

8. STS providers will comply with the filing requirements listed in this order and those which may additionally be ordered by the Commission.
9. The STS provider shall utilize a PBX which is registered with the Federal Communications Commission and riser cable and other facilities must conform to the specifications of the LEC.
10. STS providers shall provide the LEC 180 days notice that the STS provider will be providing service in a newly constructed building. If the 180-day notice is not provided, the STS provider shall be responsible for the incremental cost of any facilities in excess of the facilities requested by the STS provider which the LEC constructed in anticipation of providing service directly to the tenants of the new building. The STS provider will also provide the LEC the size and location of the STS tenants.
11. The STS provider shall contract with the LEC to allow the LEC the right-of-use to STS riser cable and other facilities necessary to provide service to any tenant at an STS location which requests service from the LEC.
12. STS providers who establish an STS arrangement in an existing building shall give notice to the LEC of the location of STS tenants at the time of connection to the LEC network.

The Commission has reviewed Uplink's application and Staff's recommendation and finds that Uplink has provided the documentation and met the requirements for STS certification. The Commission finds that the premises described in the application meet the definition of discrete private premises established by the Commission, and that granting this application would be in the public interest. Therefore, the Commission finds that Uplink should be granted a certificate of service authority to provide shared tenant services at the location described in its application.

IT IS THEREFORE ORDERED:

1. That KR & R Investment Corp. d/b/a Uplink is granted a certificate of service authority to provide shared tenant telecommunications services at the location described in its application filed April 15, 1998.

2. That the certificate granted by this order applies only to the buildings and locations described in the application and does not extend to any other building or geographic location.

3. That KR & R Investment Corp. d/b/a Uplink shall comply with the annual reporting requirements set out in Re Establishment of Appropriate Permanent Tariffs for the Provision of Shared Tenant Services (STS) Within Local Telephone Company Exchanges, 29 Mo. P.S.C. (N.S.) 373, 395 (1988).

4. That KR & R Investment Corp. d/b/a Uplink shall comply with all the conditions for provision of shared tenant services set out in this order.

5. That this order shall become effective on August 14, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

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

Wickliffe, Deputy Chief Regulatory Law Judge