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BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of Digital)
Broadcast Network Corporation for a Certificate of)
Service Authority to Provide Intrastate Inter-)
exchange Telecommunications Services and Local) Case No. TA-98-537
Exchange Telecommunications Services in the State)
of Missouri, and for Classification as a Competi-)
tive Telecommunications Company.)
)

ORDER APPROVING INTEREXCHANGE AND NONSWITCHED LOCAL EXCHANGE
CERTIFICATES OF SERVICE AUTHORITY AND ORDER APPROVING TARIFF

Digital Broadcast Network Corporation (Digital) applied to the Public Service Commission on May 29, 1998, for certificates of service authority to provide intrastate interexchange and nonswitched local exchange telecommunications services in Missouri under Section 392.410 - .450, RSMo 1994 and RSMo Supp. 1997¹. Digital 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. Digital is a Missouri corporation, with its principal office located at 977 Charter Commons, Chesterfield, Missouri 63017.

The Commission issued a Notice of Applications and Opportunity to Intervene on June 9, directing parties wishing to intervene to file their requests by June 24. 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, 776 S.W.2d 494, 496 (Mo. App. 1989). Since no one has asked permission

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

to intervene or requested a hearing, the Commission may grant the relief requested based on the verified application.

Digital filed a proposed tariff in conjunction with its application and filed substitute sheets on June 29, July 2, July 6 and July 10. The tariff's effective date is July 22. Digital's tariff describes the rates, rules, and regulations it intends to use, identifies Digital as a competitive company, and lists the waivers requested. Digital intends to provide interexchange and nonswitched local exchange telecommunications services including 1+ direct dial and nonswitched dedicated private line services.

In its Memorandum filed on July 14, the Staff of the Commission stated that Digital's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant Digital 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, nonswitched local exchange private line services. Staff recommended that the Commission grant Digital competitive status, and waiver of the statutes and rules typically granted to interexchange carriers and listed in the ordered paragraph below. Staff recommended that the Commission approve the proposed tariff as amended to become effective on July 22.

The Commission finds that competition in the intrastate interexchange and non-switched local exchange telecommunications markets is in the public interest and Digital should be granted certificates of service authority. The Commission finds that the services Digital proposes to offer are competitive and Digital 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 Digital'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 nonswitched local exchange carriers. The Commission finds that the proposed tariff filed on May 29 shall be approved as amended to become effective on July 22.

IT IS THEREFORE ORDERED:

1. That Digital Broadcast Network Corporation 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 Digital Broadcast Network Corporation is granted a certificate of service authority to provide local exchange telecommunications services in the state of Missouri limited to providing dedicated, nonswitched local exchange private line services, subject to all applicable statutes and Commission rules except as specified in this order.

3. That Digital Broadcast Network Corporation 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 Digital Broadcast Network Corporation on May 29, 1998, is approved as amended to become effective on July 22, 1998. The tariff approved is:

P.S.C. MO. No. 1

5. That this order shall become effective on July 22, 1998.
6. That this case shall be closed on July 28, 1998.

BY THE COMMISSION

Dale Hardy Roberts

(S E A L)

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Brian K. Harper, 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 17th day of July, 1998.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION