



## Missouri Public Service Commission

### Commissioners

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December 8, 1999

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Director, Utility Services

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Secretary/Chief Regulatory Law Judge

DANA K. JOYCE  
General Counsel

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

**RE: Case No. TA-2000-141**

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and fourteen (14) conformed copies of a **STAFF RECOMMENDATION**.

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

Julie Kardis  
Assistant General Counsel  
(573) 751-8706  
(573) 751-9285 (Fax)

JK/df  
Enclosure  
cc: Counsel of Record

**FILED<sup>2</sup>**  
**DEC 8 1999**  
Missouri Public  
Service Commission

FILED<sup>2</sup>

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

DEC 8 1999

Missouri Public  
Service Commission

In the Matter of JATO Operating Corp. )  
Tariff Filing. )

Case No. TA-2000-141

STAFF RECOMMENDATION


COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its recommendation states:

1. In the attached Memorandum, which is labeled Appendix A, the Staff recommends that the Missouri Public Service Commission approve Jato Operating Corp.'s interexchange tariff as amended:

Jato Operating Corp. P.S.C. Mo. No. 1  
Original Page 1 through Original Page 45

Respectfully submitted,

DANA K. JOYCE  
General Counsel



Julie A. Kardis  
Assistant General Counsel  
Missouri Bar No. 44450

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## **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 8th day of December.

Julie A. Kardis

# MEMORANDUM

To: Missouri Public Service Commission Official Case File  
Tariff File No. 00000441 Case No. TA-2000-141  
Jato Operating Corp.

From: Sara Buyak <sup>SB</sup>  
Telecommunications Department <sup>BV</sup>

Wendy Andrew 12-8-99  
Utility Operations Division/Date

Wm K. Hoss 12/8/99  
General Counsel's Office/Date

Subject: Staff Recommendation for Approval of the Interexchange Tariff

Date: December 8, 1999

On August 12, 1999, Jato Operating Corp. (Jato) applied to the Commission for certificates of service authority to provide basic local exchange telecommunications services and interexchange telecommunications services in Case No. TA-2000-141. On October 29, 1999, the Order Granting Certificates to Provide Telecommunications Services approved the Stipulation and Agreement of Southwestern Bell Telephone Company, Jato, and the Staff of the Telecommunications Department (Staff).

On October 29, 1999, the Missouri Public Service Commission's Order Granting Certificates to Provide Telecommunications Services granted the waiver 4 CSR 240-2.060 (4) (H), which requires the filing of a 45-day tariff. On November 5, 1999, Jato filed its Interexchange Telecommunications Tariff, Tariff Number 200000441.

Jato is not proposing to provide traditional forms of interexchange telecommunications services such as direct dialed message telecommunications service. Jato proposes to offer digital subscriber line services primarily for the purposes of transmitting data services from Jato's customers to internet service providers. As such, the rates of Jato's proposed data services will be based on an individual case basis, consistent with Commission treatment of other similar providers (see for example, Case No. TA-99-150 - Dakota Services Limited) of non-switched data services. At the request of the Staff, Jato submitted substitute tariff sheet language (original tariff sheet 42) which states that Jato will file tariff rates should the Company ever offer services which connect end-users to the public switched network (i.e., message telecommunications services)

Jato's tariff lists the waivers as granted by the Commission in its certification case:

Appendix A

Section 392.210.2  
Section 392.270  
Section 392.280  
Section 392.290.1

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MISSOURI  
Public Service Commission

Case No. TA 2000-141

Company: Gato Operating Corp.

Assigned: 11-8-99

File Number: 00000441

From:	Initial	Date	Revised
Sara Buyak	<u>SB</u>	<u>12-8-99</u>	<u>12-8-99</u>
Wm. Voight	<u>BV</u>	<u>12-8</u>	<u>12-8</u>
Mr. VanEschen	<u>VE</u>	<u>12/8</u>	<u>12/8</u>
Mr. Henderson	<u>WH</u>	<u>12-8-99</u>	<u>WH 12-8-99</u>
Legal	<u>WK4</u>	<u>12/8/99</u>	
Staff Deadline:	<u>12-9-99</u>		

Section 392.300.2

Section 392.310

Section 392.320

Section 392.330

Section 392.340

4 CSR 240-10.020

4 CSR 240-30.010 (2) (c)

4 CSR 240-30.040

4 CSR 240-32.030 (1) (B) & (C), (2)

4 CSR 240-32.050 (3) - (6)

4 CSR 240-32.070 (4)

4 CSR 240-33.030

4 CSR 240-32.040 (5)

4 CSR 240-35

On November 30, 1999, December 3, 1999, and December 6, 1999, Jato filed substitute pages. These pages were reviewed and found acceptable.

Staff has reviewed the filing and has no objection to the tariff going into effect, as amended. Staff is unaware of any other filing which affects or which would be affected by this filing. Staff does not believe the above referenced local exchange tariff filing of Jato would affect this filing.

**Service List for**  
**Case No. TA-2000-141**  
**Revised: December 8, 1999**

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