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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of)	
NXLD Company d/b/a Nextel Long)	
Distance for a Certificate of Service)	
Authority to Provide Intrastate)	<u>Case No. TA-98-560</u>
Interexchange Telecommunications Service)	
to the Public Within the State of)	
Missouri and for Competitive)	
Classification.)	

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY AND
ORDER APPROVING TARIFF

NXLD Company d/b/a Nextel Long Distance (NXLD) applied to the Public Service Commission on June 16, 1998, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under § 392.440, RSMo 1994¹. NXLD asked the Commission to classify it as a competitive company and waive certain statutes and rules as authorized by §§ 392.361 and 392.420. Applicant is a Delaware corporation, with its principal office located at 1013 Centre Road, Wilmington, Delaware 19899-0591.

The Commission issued a Notice of Applications and Opportunity to Intervene on June 23, 1998, directing parties wishing to intervene to file their requests by July 8, 1998. 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

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

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.

NXLD filed a proposed tariff in conjunction with its application and filed substitute sheets on July 14, 1998. The tariff's effective date is July 31, 1998. NXLD's tariff describes the rates, rules, and regulations it intends to use, identifies NXLD as a competitive company, and lists the waivers requested. NXLD intends to provide interexchange telecommunications services.

In its Memorandum filed on July 22, 1998, the Staff of the Commission stated that Applicant's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant Applicant 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 July 31, 1998.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Applicant should be granted a certificate of service authority. The Commission finds that the services Applicant proposes to offer are competitive and Applicant 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 NXLD'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 June 16, 1998, shall be approved as amended to become effective on July 31, 1998.

IT IS THEREFORE ORDERED:

1. That NXLD Company d/b/a Nextel Long Distance 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 NXLD Company d/b/a Nextel Long Distance 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

3. That the tariff filed by NXLD Company d/b/a Nextel Long Distance on June 16, 1998, is approved as amended to become effective on July 31, 1998. The tariff approved is:

P.S.C. Mo. No. 1

4. That this order shall become effective on July 31, 1998.

5. That this case shall be closed on August 10, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Vicky Ruth, 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 30th day of July, 1998.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION