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In the Matter of the Application of Tin Can)
Communications Company, LLC, for a Certificate of)
Service Authority to Provide Basic Local Telecom-) **Case No. TA-98-231**
munications Services in Portions of the State of) (Tariff File 9900079)
Missouri and to Classify Said Services and the)
Company as Competitive.)

ORDER APPROVING TARIFF AND RECOGNIZING CHANGE OF NAME

The Commission granted Tin Can Communications Company, L.L.C. (Tin Can) a conditional certificate of service authority to provide basic local telecommunications services in Missouri via an order issued June 3, 1998. The order, effective June 15, directed the company to file tariff sheets reflecting the rates, rules, and regulations it will use and the services it will offer. The order provided that Tin Can's certificate would become effective on the effective date of the company's approved tariffs. This order temporarily waived the filing of a 45-day tariff as required by 4 CSR 240-2.060(4)(H) and ordered Tin Can to file tariff sheets within 30 days after Commission approval of the necessary interconnection agreement(s). The certification and competitive status of Tin Can was expressly conditioned upon the continued applicability of Section 392.200, RSMo Supp. 1996, and on the requirement that any increases in switched access service rates above the maximum switched access service rates set forth in the agreement must be cost-justified pursuant to Sections 392.220, RSMo Supp. 1996, and 392.230, rather than Sections 392.500 and 392.510.

Tin Can proposes to offer basic local exchange service in the exchanges served by the incumbent local exchange companies Southwestern Bell Telephone Company (SWBT), Sprint Missouri, Inc., d/b/a Sprint (Sprint), and GTE Midwest Incorporated (GTE). Tin Can and SWBT submitted a negotiated and executed Resale Agreement on May 18, 1998, for approval by the Commission in Case TO-98-516. The Commission approved Tin Can's agreement with SWBT on August 6, 1998. On July 21, 1998, the Commission approved Tin Can's interconnection agreement with Sprint Missouri, Inc., d/b/a Sprint (Sprint), which had been filed for approval on May 22, 1998 in Case No. TO-98-528. Tin Can filed the required tariff sheets on July 30, with a 45-day effective date of September 14. Tin Can later extended the effective date to September 30, and again to October 16. Within the Certification of Notice of Tariff Filing submitted on July 30 was the statement that Tin Can has not yet executed or filed resale or interconnection agreements with GTE, and therefore Tin Can is limiting its service offering to only those SWBT and Sprint local calling areas specified in the proposed tariff. To correct typographical errors, clarify text or address concerns of the Telecommunications Department Staff, Tin Can filed revised tariff sheets for Original Pages 31 through 37 on September 15 and 17, 1998, along with a representative copy of the statement of Customer's Rights and Responsibilities.

In conjunction with its tariff filing on July 30, Tin Can also submitted a Notice and Application for Adoption of Fictitious Name as directed by the Commission in its June 3, 1998, order. Tin Can indicated that it has obtained a Registration of Fictitious Name from the Missouri Secretary of State's Office registering the fictitious name of "The Cube" for use in its Missouri operations. Tin Can submitted this form as an

attachment to its Notice and Application for Adoption of Fictitious Name. On August 7, 1998, Staff filed a Recommendation to Approve Tin Can's Application for Adoption of Fictitious Name. Staff noted that this application was in response to the Staff's Recommendation in Case No. TO-98-516 that the Commission order Tin Can to remove or specify the purpose of the phrase "d/b/a The Cube", which appeared on the right margin of the resale agreement submitted for Commission approval. Therefore, Staff recommended that the Application for Adoption of Fictitious Name be approved.

The Commission's Staff reviewed the tariff sheets and filed a memorandum on September 25 recommending that the Commission approve the sheets, as amended. Staff stated that Tin Can proposes to offer Call Waiting, Call Forwarding, Three-Way Calling, Unlisted Number, Caller I.D., Call Trace, Call Return, Speed Dial, Auto Redial, Call Blocker, and Anonymous Call Rejection. Staff detailed Tin Can's proposed rates and stated that it has no objections to them. Staff stated that Tin Can's proposed service permits a customer to place or receive calls within the local calling area, to access 911 or E911 Emergency Service if available in the customer's calling area, and to place or receive calls to toll-free 800 telephone numbers. The service will not include access to long distance or other toll services, collect calls, operator-assisted calls, third-number billed calls, or services which may be billed to the customer's telephone number. Tin Can will not provide access to operator services or directory assistance services. Staff recommended that P.S.C. MO. Tariff No. 1 be approved with an effective date of October 16, 1998, and that the fictitious name, "The Cube", be approved simultaneously. The specific tariff sheets recommended for

approval are: P.S.C. MO. Tariff No. 1 Original Title Page through Original Page 37.

The Commission has reviewed the Staff's recommendations and the tariff sheets. The Commission finds that the tariff sheets conform to the Commission's June 3, 1998, order and should be approved as amended to become effective on October 16, 1998, and that the fictitious name "The Cube" should be acknowledged at the same time. The Commission concludes that the conditions stated in the June 3, 1998, order for Tin Can's certificates of service authority to provide basic local and local exchange telecommunications service will be fulfilled at the time P.S.C. MO. Tariff No. 1 takes effect.

IT IS THEREFORE ORDERED:

1. That the tariff filed by Tin Can Communications Company, L.L.C., on July 30, 1998, is approved, as amended, to become effective on October 16, 1998. The tariff approved is:

MoPSC NO. 1

Original Title Page through Original Page 37

2. That the conditional certificate of service authority granted to Tin Can Communications Company, L.L.C., on June 3, 1998, to provide basic local telecommunications services shall take effect on October 16, 1998.

3. That the fictitious name "The Cube" is acknowledged.

4. That this order shall become effective on October 16, 1998.
5. That this case shall close on October 17, 1998.

BY THE COMMISSION

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

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

Ruth, Regulatory Law Judge

RECEIVED

OCT 16 1998
COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION