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## Missouri Public Service Commission

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.psc.state.mo.us>

March 27, 2001

BRIAN D. KINKADE  
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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-2001-408**

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) 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,

David A. Meyer  
Associate General Counsel  
(573) 751-8706  
(573) 751-9285 (Fax)

DAM/lb  
Enclosure  
cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>2</sup>

MAR 27 2001

Missouri Public  
Service Commission

In the Matter of the Application of Telmex )  
USA, L.L.C., for a Certificate of Service )  
Authority to Resell Intrastate )  
Interexchange Telecommunications )  
Services within the State of Missouri )

Case No. TA-2001-408

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 (Commission) grant Telmex USA, L.L.C. (Applicant), a certificate of service authority to provide interexchange telecommunications services. The Commission shall grant an application for a certificate of telecommunications service authority upon a finding that the grant of authority is in the public interest. (See §§ 392.430 and 392.440 RSMo 2000.)

2. Staff also recommends that the Commission classify the Applicant and its services as competitive. The Commission may classify a telecommunications provider or its services as competitive if the Commission determines it is subject to sufficient competition to justify a lesser degree of regulation. (See §392.361.2 RSMo 2000.) All the services a competitive company provides must be classified as competitive. (See §392.361.3 RSMo 2000.)

3. Staff further recommends that the Commission approve the waivers listed in the Notice of Application. The Commission may waive the application of its rules and certain statutes if the Commission determines that waiver is consistent with the purposes of Chapter 392 RSMo. (See §§ 392.185, 392.361.3 and 392.420 RSMo 2000.)

4. Finally, Staff recommends that the Commission grant approval of the Applicant's proposed tariff, P.S.C. Mo-No. 1, with a proposed effective date of April 9, 2001.

WHEREFORE, Staff recommends that the Commission grant Telemex USA, L.L.C., a certificate to provide interexchange telecommunications services, grant Applicant competitive classification, approve Applicant's proposed tariff, P.S.C. Mo-No. 1, and approve the waivers listed in the Notice of Applications.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

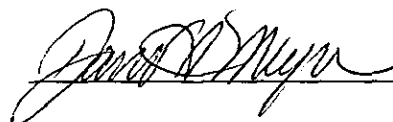


David A. Meyer  
Assistant General Counsel  
Missouri Bar No. 46620

Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-8706 (Telephone)  
(573) 751-9285 (Fax)  
[dmeyer@mail.state.mo.us](mailto:dmeyer@mail.state.mo.us)

### **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 27<sup>th</sup> day of March, 2001.



MEMORANDUM

To: Missouri Public Service Commission Official Case File  
Case No: TA-2001-408 File No: 200100774  
Applicant: Telmex USA, L.L.C.

From: Phil Garcia *pg 3-22-01*  
Telecommunications Department *BN*

*[Signature]* 3/23/01  
Utility Operations Division/Date

*Wm K Haas 3/27/01*  
General Counsel's Office/Date

Subject: Staff Recommendation for Approval of Certificate and Initial Tariff

Date: March 22, 2001

Filing Deadline: March 29, 2001

The Telecommunications Department Staff (Staff) recommends the applicant be granted the following certificate(s), as indicated below, to be effective on the same date the tariff becomes effective:

☐ certificate to provide basic local exchange telecommunications services. Granting the certificate should be based on the following conditions:

1. The applicant's originating and terminating access rates will be no greater than the lowest Commission approved corresponding access rates in effect for each ILEC within whose service area the applicant seeks authority to provide service, unless authorized by the Commission pursuant to Sections 392.220 and 392.230 RSMo.
2. The certificate and service classification for switched access service is conditioned on the continued applicability of Section 392.200 RSMo, and the requirement that any increases in switched access services rates above the maximum switched access service rates set forth herein shall be made pursuant to Sections 392.220 and 392.230 RSMo, and not Sections 392.500 and 392.510 RSMo.
3. If the directly competing ILEC, in whose service area the applicant is operating, decreases its originating and/or terminating access service rates, the applicant shall file an appropriate tariff amendment to reduce its originating and/or terminating access rates in the directly competing ILEC's service area within 30 days of the directly competing ILEC's reduction of its originating and/or terminating access rates in order to maintain the cap.
4. ☐ (Check, if applicable) Grant the request for waiver of 4 CSR 2.060(6)(C), which requires the filing of a tariff with an effective date not fewer than 45 days from the issue date. The applicant can not lawfully provide service until tariffs are effective.

☒ certificate to provide interexchange telecommunications services.

☐ certificate to provide local exchange telecommunications services.\*

\*local exchange authority should be restricted to dedicated, private line services.

☒ No objection to tariff: P.S.C. Mo No.1 Effective Date: April 9, 2001

Staff recommends the applicant and its services receive competitive classification. In addition, Staff recommends approval of the waivers listed in the Notice.

☐ There is an attachment to this recommendation.

**Review Items for IXC, Non-switched Local and CLEC Certificate Applications (as required by 4 CSR 240-2.060):**

- ☒ Proper Secretary of State authorization
- ☒ Statement of character of business performed.
- ☒ Statement declaring no pending action or final unsatisfied judgments
- ☒ Statement declaring no overdue annual reports/assessment fees (if already certificated).
- ☒ Application includes an affidavit.
- ☒ The applicant is requesting waivers of rules or statutes previously granted to a competitively classified company

(as required by 392.430/.440):

- ☒ Application shows that grant of authority is in the public interest.

**Additional Review Items for CLEC Applications (as required by 392.455):**

- ☐ Possesses sufficient technical, financial and managerial resources and abilities.
- ☐ Identifies geographic area (no smaller than an exchange).
- ☐ Statement that applicant will offer basic local service as a separate and distinct service.
- ☐ Statement that applicant will give equitable access to all Missourians.

**Tariff Review Items (applicable for all competitively classified companies):**

- ☒ Properly formatted: (Company name, PSC MO No., Page #, Page revision #, proposed effective date)
- ☒ Identifies competitive classification.
- ☒ Identifies waivers granted.
- ☒ ICB pricing, if proposed, limited for private line, special access or Centrex-like services. (392.200(8)).
- ☒ Proposed rates do not establish geographic deaveraged rates (if not checked, explain in attachment). (392.200(4)).
- ☒ If an alternative operator service provider (receives more than 40% of revenues from traffic aggregators) operator service rates do not exceed: Person-to-Person (\$10.00), Station-to-Station/card (\$5.50). (392.515(1))

**Tariff Review Items (applicable only for CLECs):**

- ☐ Interconnection agreement approved (if not checked, explain in attachment).
- ☐ Tariff clearly indicates areas offering local service area (392.451.2(1))  
(\_\_\_\_ SWB, \_\_\_\_ Verizon, \_\_\_\_ Sprint, \_\_\_\_ Spectra, \_\_\_\_ Other \_\_\_\_.)
- ☐ Tariff offers local service as a separate and distinct service. (392.455(4))
- ☐ Switched access rates capped at ILEC's rates.

**Service List for  
Case No. TA-2001-408  
March 27, 2001 (lb)**

**Office of the Public Counsel  
P.O. Box 7800  
Jefferson City, MO 65102**

**James M. Fischer  
Fischer & Dority, P.C.  
101 Madison, Suite 400  
Jefferson City, MO 65101**