

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Custom)
Teleconnect, Inc. for a Certificate of)
Service Authority to Provide Intrastate,) Case No. TA-99-595
Interexchange Operator Assisted) Tariff No. 9900964
Telecommunication Service)

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE
AUTHORITY AND ORDER APPROVING TARIFF

Custom Teleconnect, Inc. (Custom) applied to the Public Service Commission on June 10, 1999, for a certificate of service authority to provide intrastate, interexchange operator assisted telecommunication services in Missouri under Section 392.440, RSMo 1994¹. Custom 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. Custom is a Nevada corporation, with its principal office located at 3111 South Valley View, Suite E-120, Las Vegas, Nevada 89102.

The Commission issued a Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene on June 29, 1999, directing parties wishing to intervene to file their requests by July 14, 1999. 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 to intervene or requested a hearing, the Commission may grant the relief requested based on the verified application.

Custom filed a proposed tariff in conjunction with its application with an effective date of July 26, 1999, and filed substitute sheets on June 24, 1999. On July 9, 1999, Custom extended the effective date of the tariff to August 2, 1999. Custom's tariff describes the rates, rules, and regulations it intends to use, identifies Custom as a competitive company, and lists the waivers requested. Custom intends to provide intrastate, interexchange interLATA and intraLATA operator-assisted telecommunications services in the state of Missouri, including Directory Assistance and Operator Assistance services.

In its Memorandum filed on July 20, 1999, the Staff of the Commission (Staff) stated that Custom's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant Custom 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 to become effective on August 2, 1999.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and that Custom should be granted a certificate of service authority. The Commission finds that the services Custom proposes to offer are

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

competitive and Custom 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 Custom'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 10, 1999, with substitute sheets filed on June 24, 1999, should be approved to become effective on August 2, 1999.

IT IS THEREFORE ORDERED:

1. That Custom Teleconnect, Inc. is granted a certificate of service authority to provide intrastate, interexchange interLATA and intraLATA operator-assisted telecommunications services in the state of Missouri, subject to all applicable statutes and Commission rules except as specified in this order.

2. That Custom Teleconnect, Inc. 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. 1998 - 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 Custom Teleconnect, Inc. on June 10, 1999, with substitute sheets filed on June 24, 1999, is approved to become effective on August 2, 1999. The tariff approved is:

P.S.C. Mo. No. 1

- 4. That this order shall become effective on August 2, 1999.
- 5. That this case may be closed on August 3, 1999.

BY THE COMMISSION



**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

(S E A L)

Bill Hopkins, Senior 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 28th day of July, 1999.

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**COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION**