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Case No. TA-98-353

SERVICE AUTHORITY AND ORDER APPROVING TARIFF

Accutel Communications, Inc. (Accutel) applied to the Public Service Commission on February 13, 1998 for a certificate of service authority to provide intrastate interexchange and local exchange telecommunications services in Missouri under Section 392.410-.450, RSMo 1994¹. Accutel 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. Accutel is a Florida corporation, with its principal office located at 1060 Federal Highway, Suite A, Del Ray Beach, Florida, 33444.

The Commission issued a Notice of Applications and Opportunity to Intervene on March 3, directing parties wishing to intervene to file their requests by March 18. 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

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

requested a hearing, the Commission may grant the relief requested based on the verified application.

Accutel filed a proposed tariff in conjunction with its application and filed substitute sheets on March 19. The tariff's effective date is March 30. Accutel's tariff describes the rates, rules, and regulations it intends to use, identifies Accutel as a competitive company, and lists the waivers requested. Accutel intends to provide interexchange and local exchange telecommunications services including 1+ direct dial, 800/888/877 and travel card services.

In its Memorandum filed on March 20, the Staff of the Commission stated that Accutel's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant Accutel a certificate of interexchange service authority, and a certificate of service authority for local exchange telecommunication services on condition that this authority be restricted to providing dedicated, non-switched local exchange private line services. Staff recommended that the Commission grant Accutel 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 March 30.

The Commission finds that competition in the intrastate interexchange and local exchange telecommunications markets is in the public interest and Accutel should be granted a certificate of service authority. The Commission finds that the services Accutel proposes to offer are competitive and Accutel 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 Accutel's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated interexchange and local exchange carriers. The Commission finds that the proposed tariff filed on February 13 shall be approved as amended to become effective on March 30.

IT IS THEREFORE ORDERED:

1. That Accutel Communications, Inc. is granted a certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri, subject to the conditions of certification set out above.

2. That Accutel Communications, Inc. is granted a certificate of service authority to provide local exchange telecommunications services in the state of Missouri limited to providing dedicated, nonswitched local exchange private line services, subject to all applicable statutes and Commission rules except as specified in this order.

3. That Accutel Communications, 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. 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

4. That the tariff filed by Accutel Communications, Inc. on February 13, 1998, is approved as amended to become effective on March 30, 1998. The tariff approved is:

Missouri P.S.C. Tariff No. 1

- 5. That this order shall become effective on March 30, 1998.
- 6. That this case shall be closed on March 31, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Amy E. Randles, 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 24th day of March, 1998.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION