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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Main Street Telephone Company for a Certificate of Service Authority to Provide Intrastate Interexchange and Nonswitched Local Exchange Telecommunications Services to the Public Within the State of Missouri and for Competitive Classification.)
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) **Case No. TA-99-28**
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ORDER APPROVING INTEREXCHANGE AND NONSWITCHED LOCAL EXCHANGE CERTIFICATES OF SERVICE AUTHORITY AND ORDER APPROVING TARIFF

Main Street Telephone Company (MSTC) applied to the Public Service Commission on July 14, 1998, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.410 - .450, RSMo 1994 and RSMo Supp. 1997¹. MSTC 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. MSTC is a Delaware corporation, with its principal office located at 482 Norristown Road, Blue Bell, Pennsylvania 19422.

The Commission issued a Notice of Applications and Opportunity to Intervene on July 21, directing parties wishing to intervene to file their requests by August 5.

On August 10, MSTC filed an amended application adding a request for a certificate of service authority to provide nonswitched local exchange telecommunications services to its original application.

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

In order to reflect the amended application, the Commission issued a second Notice of Applications and Opportunity to Intervene on August 18, directing parties wishing to intervene to file their requests by September 2. 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.

MSTC filed a proposed tariff in conjunction with its original application, filed a substitute tariff on August 10 to reflect its amended application, and filed substitute sheets on September 2. The tariff's effective date is September 15. MSTC's tariff describes the rates, rules, and regulations it intends to use, identifies MSTC as a competitive company, and lists the waivers requested. MSTC intends to provide interexchange and nonswitched local exchange telecommunications services including 1+ direct dial, 800/888/877, Directory Assistance, Private Line, and Travel Card services.

In its Memorandum filed on September 3 the Staff of the Commission (Staff) stated that MSTC's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant MSTC 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, nonswitched local exchange private line services. Staff recommended that the Commission grant MSTC 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 September 15.

The Commission finds that competition in the intrastate interexchange and nonswitched local exchange telecommunications markets is in the public interest and MSTC should be granted certificates of service authority. The Commission finds that the services MSTC proposes to offer are competitive and MSTC 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 MSTC'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 nonswitched local exchange carriers. The Commission finds that the proposed tariff filed on August 10 shall be approved as amended to become effective on September 15.

IT IS THEREFORE ORDERED:

1. That Main Street Telephone Company 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 Main Street Telephone Company 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 Main Street Telephone Company 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 substitute tariff filed by Main Street Telephone Company on August 10, 1998, is approved, as amended September 2, to become effective on September 15, 1998. The tariff approved is:

Missouri P.S.C. Tariff No. 1

5. That this order shall become effective on September 15, 1998.
6. That this case shall be closed on September 21, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Brian K. Harper, 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 9th day of September, 1998.