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BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

| In the Matter of the Application of TDS |) | |
|--|---|---------------------------|
| Engineering, L.L.C. for Permission, Approval, |) | |
| and a Certificate of Service Authority to |) | <u>Case No. TA-98-398</u> |
| Provide Competitive Interexchange Telecom- |) | |
| munications Services in the State of Missouri. |) | |
| |) | |

ORDER APPROVING INTEREXCHANGE AND NONSWITCHED LOCAL EXCHANGE CERTIFICATES OF SERVICE AUTHORITY AND ORDER APPROVING TARIFF

TDS Engineering, L.L.C. (TDS) applied to the Public Service Commission on March 20, 1998, for certificates of service authority to provide intrastate interexchange and nonswitched local exchange telecommunications services in Missouri under Section 392.410-.450, RSMo 1994 and RSMo Supp. 1997. TDS 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. TDS is a Missouri corporation, with its principal office located at 229 East Fourth Street, Post Office Box 297, Carthage, Missouri 64836.

The Commission issued a Notice of Applications and Opportunity to Intervene on March 24, directing parties wishing to intervene to file their requests by April 8. 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.

and filed substitute sheets on April 24. The tariff's effective date is May 29. TDS's tariff describes the rates, rules, and regulations it intends to use, identifies TDS as a competitive company, and lists the waivers requested. TDS 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 May 20 the Staff of the Commission (Staff) stated that TDS's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant TDS 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 TDS 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 May 29.

The Commission finds that competition in the intrastate interexchange and nonswitched local exchange telecommunications markets is in the public interest and TDS should be granted certificates of service authority. The Commission finds that the services TDS proposes to offer are competitive and TDS 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 TDS'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 March 20 shall be approved as amended to become effective on May 29.

IT IS THEREFORE ORDERED:

- 1. That TDS Engineering, L.L.C. 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 TDS Engineering, L.L.C. 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 TDS Engineering, L.L.C. 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 TDS Engineering, L.L.C. on March 20, 1998, is approved as amended to become effective on May 29, 1998. The tariff approved is:

P.S.C. MO No. 1

- 5. That this order shall become effective on May 29, 1998.
- 6. That this case shall be closed on June 8, 1998.

BY THE COMMISSION

Ask HARd Roberts

Dale Hardy Roberts Secretary/Chief Regulatory Law Judge

(SEAL)

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 26th day of May, 1998.

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COMMISSION COUNSEL PUBLIC SERVICE COMMISSION