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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Celebrate)	
Communication LLC for a Certificate of Service)	
Authority to Provide Intrastate Interexchange)	<u>Case No. TA-98-529</u>
Telecommunications Services to the Public Within)	
the State of Missouri.)	
)	

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY
AND ORDER APPROVING TARIFF

Celebrate Communication LLC (Celebrate) applied to the Public Service Commission on May 22, 1998, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994.¹ Celebrate 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. Celebrate is an Illinois limited liability corporation, with its principal office located at 4300 44th Avenue, Moline, Illinois 61265.

The Commission issued a Notice of Applications and Opportunity to Intervene on June 2, directing parties wishing to intervene to file their requests by June 17. 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

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

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

Celebrate filed a proposed tariff in conjunction with its application and filed substitute sheets on July 7, 21 and 22. The tariff's effective date is August 3. Celebrate's tariff describes the rates, rules, and regulations it intends to use, identifies Celebrate as a competitive company, and lists the waivers requested. Celebrate intends to provide interexchange telecommunications services including 1+ direct dial, 800/888/877 services, directory assistance, and operator services.

In its Memorandum filed on July 23, the Staff of the Commission stated that Celebrate's proposed services are similar to existing IXC offerings. Staff stated that Celebrate is proposing a six percent flat interest rate for customer deposits. Staff stated that it believes the interest rate is reasonable, particularly in a competitive market. Staff recommended that the Commission grant Celebrate 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 as amended to become effective on August 3.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Celebrate should be granted a certificate of service authority. The Commission finds that the services Celebrate proposes to offer are competitive and Celebrate 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 Celebrate'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 interest rate for customer deposits meets the requirements of 4 CSR 240-33.050. In addition, the six percent interest rate is reasonable in a competitive environment where the customer is free to choose a different interexchange carrier. The Commission finds that the proposed tariff filed on May 22 shall be approved as amended to become effective on August 3.

IT IS THEREFORE ORDERED:

1. That Celebrate Communication LLC is granted a certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri, subject to all applicable statutes and Commission rules except as specified in this order.

2. That Celebrate Communication LLC 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

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|---------------------|-------------------------------|
| 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 Celebrate Communication LLC on May 22, 1998, is approved as amended to become effective on August 3, 1998. The tariff approved is:

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4. That this order shall become effective on August 3, 1998.
5. That this case shall be closed on August 11, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Nancy Dippell, 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 31st day of July, 1998.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION