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March 14, 2000

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Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

FILED³

MAR 14 2000

Missouri Public
Service Commission

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

RE: Case No. TA-2000-536

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and fourteen (14) conformed copies of a **STAFF RECOMMENDATION**.

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

Marc D. Poston
Senior Counsel
(573) 751-8701
(573) 751-9285 (Fax)

MP/lb
Enclosure
cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED³

MAR 14 2000

Missouri Public
Service Commission

In the Matter of the Application of)
Capsule Communications, Inc. for a)
Certificate of Service Authority to Provide)
Interexchange Telecommunications)
Services in the State of Missouri and for)
Competitive Classification.)

Case No. TA-2000-536

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its recommendation states:

1. On March 9, 2000, the Commission issued its *Order Requesting Response* in which it ordered the Staff to file a pleading by March 14, 2000, stating whether or not it will be able to handle this case in an expedited manner. In response to the Commission's *Order*, the Staff makes the following recommendation.

2. In the attached Memorandum, which is labeled Appendix A, the Staff recommends that the Missouri Public Service Commission ("Commission") grant Capsule Communications, Inc. (Applicant) a certificate to provide interexchange telecommunications services. The Commission shall grant an application for a certificate of telecommunications service authority upon a finding that the grant of authority is in the public interest. (See §§ 392.430 and 392.440, RSMo 1994).

3. Staff also recommends that the Commission classify the Applicant and its services as competitive. The Commission may classify a telecommunications provider or its services as competitive if the Commission determines it is subject to sufficient competition to

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justify a lesser degree of regulation. (See §392.361.2 RSMo 1994). All the services a competitive company provides must be classified as competitive. (See §392.361.3 RSMo 1994).

4. Staff further recommends that the Commission approve the waivers listed in the Notice of Application. The Commission may waive the application of its rules and certain statutes if the Commission determines that waiver is consistent with the purposes of Chapter 392 RSMo. (See §§ 392.361.3 and 392.420 RSMo 1994 and § 392.185 RSMo Supp. 1999).

WHEREFORE, the Staff recommends that the Commission grant Capsule Communications, Inc. a certificate to provide interexchange telecommunications services, grant Applicant competitive classification, approve Applicant's proposed tariff, PSC MO No. 1 with a proposed effective date of March 31, 2000, and approve waivers listed in the Notice of Applications.

Respectfully submitted,

DANA K. JOYCE
General Counsel



Marc D. Poston
Senior Counsel
Missouri Bar No. 45722

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
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Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 14th day of March 2000.

_____

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No: TA-2000-536 File No: 20000797
Applicant: Capsule Communications, Inc.

From: Amonia Moore *AM*
Telecommunications Department

[Signature] *3/3/00* *Wm K Haas* *3/14/00* *MP 3-14-00*
Utility Operations Division/Date General Counsel's Office/Date

Subject: Staff Recommendation for Approval of Certificate

Date: March 13, 2000

Date Assigned: March 3, 2000

Staff Deadline: March 14, 2000

The Telecommunications Department Staff (Staff) recommends the applicant be granted the following certificate(s), as indicated below, to be effective on the same date the tariff becomes effective:

- ☒ certificate to provide interexchange telecommunications services.
☐ certificate to provide local exchange telecommunications services.*
*local exchange authority should be restricted to dedicated, private line services.

Staff recommends the applicant and its services receive competitive classification. Furthermore, Staff recommends approval of the applicant's proposed tariff, PSC MO NO. 1, with a proposed effective date of **March 31, 2000**. In addition, Staff recommends approval of the waivers listed in the Notice.

Is there an attachment to this recommendation indicating any additional recommendations or special considerations? ☐ Yes ☒ No

NOTE: Capsule requests that its tariff dated April 14, 2000, be approved to take effect on March 31, 2000.

RECEIVED
MAR 13 2000
3:35
COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION

Application/Tariff Review Items

☒ No applications to intervene filed.

Application contains the following:

- ☒ Proper Secretary of State authorization
☒ Request for classification as a competitive telecommunications company.
☒ All requested waivers are listed in the Notice and all requested waivers have previously been granted to other competitive companies.

Proposed tariff:

- ☒ Complies with PSC rules and statutes applicable to applicant.
☐ If operator services offered, operator services requirements are included.
☒ Includes "interexchange" tariff text if offers private line service w/o requesting a local certificate.
☐ If ICB pricing proposed, only for private line.
☐ If ICB pricing is offered, tariff includes standardized ICB text.
☒ Rate structures or service offerings are similar to existing IXC offerings. (In addition, tariff does not geographically de-average).
☐ If promotional offering text is included, it is standardized promotion text.
☒ Waivers listed in tariff match those listed in application and Notice.

Services Offered in Initial Tariff

- | | |
|--|--|
| <input checked="" type="checkbox"/> 1+ | <input checked="" type="checkbox"/> Private Line |
| <input checked="" type="checkbox"/> 800/888/877 Services | <input type="checkbox"/> Debit Card |
| <input checked="" type="checkbox"/> Directory Assistance | <input checked="" type="checkbox"/> Travel Card |
| <input type="checkbox"/> Operator Assistance | <input type="checkbox"/> Other: |

Has proposed effective date been extended? ☐ Yes ☒ No

New effective date:

Have substitute tariff sheets been filed? ☐ Yes ☒ No

Date of substitute sheets: (An Amended Application was filed on March 10, 2000).

From	Initials	Date	Revised
Amonia Moore	ALM	3/13/2000	
Wm. Voight			
Mr. VanEschen			
Mr. Henderson			
Legal			

Service List for
Case No. TA-2000-536
March 14, 2000

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