

11/23

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

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|--------------------------------------|---|--------------------------|
| In the Matter of the Application of |) | |
| IDT America, Corp. for a Certificate |) | <u>Case No. TA-99-97</u> |
| Of Service Authority to Provide |) | Tariff No. 9900193 |
| Interexchange Telecommunications |) | |
| Services. |) | |

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY AND
ORDER APPROVING TARIFF

IDT America, Corp. (IDT America) applied to the Public Service Commission on September 8, 1998, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under § 392.440, RSMo 1994¹. IDT America 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. Applicant is a New Jersey corporation, with its principal office located at 294 State Street, Hackensack, New Jersey 07601.

The Commission issued a Notice of Applications and Opportunity to Intervene on September 15, directing parties wishing to intervene to file their requests by September 30. 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

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

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.

IDT America filed a proposed tariff in conjunction with its application and filed substitute sheets on September 18, October 30, November 4 and November 6. IDT America extended the effective date of the tariff on several occasions; the tariff's current effective date is December 4. IDT America's tariff describes the rates, rules, and regulations it intends to use, identifies IDT America as a competitive company, and lists the waivers requested. IDT America intends to provide interexchange telecommunications services including 800/888/877, Directory Assistance-Long Distance and Debit Card services.

In its Memorandum filed on November 17, the Staff of the Commission stated that Applicant's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant Applicant 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 December 4.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Applicant should be granted a certificate of service authority. The Commission finds that the services Applicant proposes to offer are competitive and Applicant 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 IDT America'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 tariff filed on September 8 shall be approved as amended to become effective on December 4.

IT IS THEREFORE ORDERED:

1. That IDT America, Corp. 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 IDT America, Corp. 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 |

3. That the tariff filed by IDT America, Corp. on September 8, 1998, tariff no. 9900193, is approved as amended to become effective on December 4, 1998. The tariff approved is:

P.S.C. Mo. No. 1

4. That this order shall become effective on December 4, 1998.

5. That this case shall be closed on December 5, 1998.

BY THE COMMISSION

A handwritten signature in black ink, reading "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Morris L. Woodruff, 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 23rd day of November, 1998.

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COMMISSION COUNCIL
PUBLIC SERVICE COMMISSION