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**BEFORE THE PUBLIC SERVICE COMMISSION**

**OF THE STATE OF MISSOURI**

In the Matter of the Application of FaciliCom )  
International, L.L.C., for a Certificate of )  
Service Authority to Provide Interexchange Tele- ) **Case No. TA-98-323**  
communications Services and for Competitive )  
Classification. )  
)

**ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY**  
**AND ORDER APPROVING TARIFF**

FaciliCom International, L.L.C. (FaciliCom) applied to the Public Service Commission on January 30, 1998, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994<sup>1</sup>. FaciliCom 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. FaciliCom is a Delaware Limited Liability Company, with its principal office located at 1401 New York Avenue, N.W., 8th Floor, Washington, D.C. 20005.

The Commission issued a Notice of Applications and Opportunity to Intervene on February 18, directing parties wishing to intervene to file their requests by March 5. 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

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<sup>1</sup> 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.

FaciliCom filed a proposed tariff in conjunction with its application and filed substitute sheets on April 3 and 13. The tariff's initial effective date was March 16, but was later extended to April 27. FaciliCom's tariff describes the rates, rules, and regulations it intends to use, identifies FaciliCom as a competitive company, and lists the waivers requested. FaciliCom intends to provide interexchange telecommunications services including 1+ direct dial, private line, and debit card services.

In its Memorandum filed on April 17 the Staff of the Commission stated that FaciliCom's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant FaciliCom 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 April 27.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and FaciliCom should be granted a certificate of service authority. The Commission finds that the services FaciliCom proposes to offer are competitive and FaciliCom 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 FaciliCom'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 January 30 shall be approved as amended to become effective on April 27.

**IT IS THEREFORE ORDERED:**

1. That FaciliCom International, L.L.C. 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 FaciliCom International, 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

3. That the tariff filed by FaciliCom International, L.L.C. on January 30, 1998, is approved as amended to become effective on April 27, 1998. The tariff approved is:

**P.S.C. Mo. No. 1**

4. That this order shall become effective on April 27, 1998.  
5. That this case shall be closed on May 4, 1998.

**BY THE COMMISSION**



**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

(S E A L)

L. Anne Wickliffe, Deputy Chief  
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 April, 1998.

**RECEIVED**

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**COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION**