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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Midwestern Services L.C. d/b/a Midwestern Tel for a Certificate of Service Authority to Provide Intrastate Telecommunications Services, Including Operator Services, Within the State of Missouri.)	
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)	<u>Case No. TA-98-369</u>

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY
AND ORDER APPROVING TARIFF

Midwestern Services, L.C. d/b/a Midwestern Tel (Midwestern) applied to the Public Service Commission on February 26, 1998, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994¹. Midwestern 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. Midwestern is a Missouri limited liability company, with its principal office located at 3809 Castleman, Suite 100, St. Louis, Missouri 63110.

The Commission issued a Notice of Applications and Opportunity to Intervene on March 3, directing parties wishing to intervene to file their requests by March 18. 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

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

(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.

Midwestern filed a proposed tariff in conjunction with its application and filed substitute sheets on March 19. The tariff's effective date is April 13. Midwestern's tariff describes the rates, rules, and regulations it intends to use, identifies Midwestern as a competitive company, and lists the waivers requested. Midwestern intends to provide interexchange telecommunications services including 1+ direct dial, 800/888/877 number, directory assistance, operator services, and travel card services.

In its Memorandum filed on April 2 the Staff of the Commission stated that Midwestern's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant Midwestern 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 13.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Midwestern should be granted a certificate of service authority. The Commission finds that the services Midwestern proposes to offer are competitive and Midwestern 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 Midwestern'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 February 26 shall be approved as amended to become effective on April 13.

IT IS THEREFORE ORDERED:

1. That Midwestern Services, L.C. d/b/a Midwestern Tel 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 Midwestern Services, L.C. d/b/a Midwestern Tel 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 Midwestern Services, L.C. d/b/a Midwestern Tel on February 26, 1998, is approved as amended to become effective on April 13, 1998. The tariff approved is:

P.S.C. Mo. No. 2
Original Sheets 1 through 36

4. That this order shall become effective on April 13, 1998.
5. That this case may be closed on April 20, 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 8th day of April, 1998.

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION