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BY

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 19th  
day of May, 1997.

In the matter of the application of )  
RSL COM U.S.A., Inc. for a certificate )  
of service authority to provide )  
intrastate telecommunications services )  
and for designation as a competitive )  
telecommunications company. )

**Case No. TA-97-426**

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

RSL COM U.S.A., Inc. (RSL or Applicant) applied to the Public Service Commission on March 31, 1997, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under § 392.440 RSMo 1994<sup>1</sup>. RSL asked the Commission to classify it as a competitive company and waive certain statutes and rules as authorized by §§ 392.361 and 392.420. Applicant is a Delaware corporation, with its principal office located at 169 EAB Plaza, West Tower, 8th Floor, Uniondale, New York 11556.

The Commission issued a Notice of Applications and Opportunity to Intervene on April 15 directing parties wishing to intervene in the case to file their requests by April 29. Since no one requested a hearing or permission to intervene, the Commission determines that no hearing is necessary. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. 1989).

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<sup>1</sup>All statutory references are to Revised Statutes of Missouri, 1994, or to the 1996 Supplement.

RSL filed a proposed tariff along with its application with an effective date of May 15 and filed substitute sheets on April 30, May 5 and May 12. The effective date of the tariff was extended to May 22. RSL's tariff describes the rates, rules, and regulations it intends to use, identifies RSL as a competitive company and lists the waivers requested. RSL intends to provide interexchange telecommunications services including 1+ (direct dial), 800 services, directory assistance, and debit card services.

In its Memorandum filed on May 14, the Staff of the Commission (Staff) stated that Applicant's proposed rate structures or 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. Applicant requested standard waivers, including a waiver of the rules for Uniform System of Accounts (correctly listed in the tariff as 4 CSR 240-30.040, and incorrectly listed in the application as 4 CSR 240-33.040). Staff recommended that the Commission approve the tariff as amended to become effective on May 22.

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 is of the opinion that waiving the statutes and Commission rules set out in Ordered Paragraph 2 is reasonable and not detrimental to the public interest.

The Commission determines, by authority of § 392.470, that Applicant should comply with the following regulatory requirements as reasonable and necessary conditions of certification:

- (1) Applicant must comply with reasonable requests by Staff for financial and operating data to allow Staff to monitor the intraLATA toll market. § 386.320.3.
- (2) Applicant must file tariffs containing rules and regulations applicable to customers, a description of the services provided, and a list of rates associated with those services in accordance with 4 CSR 240-30.010 and § 392.220.
- (3) Applicant may not unjustly discriminate between its customers. §§ 392.200, 392.400.
- (4) Applicant must comply with all applicable rules of the Commission except those specifically waived by this order. §§ 386.570, 392.360.
- (5) Applicant must file a Missouri-specific annual report. §§ 392.210, 392.390.1.
- (6) Applicant must comply with jurisdictional reporting requirements as set out in each local exchange company's access services tariff. § 392.390.3.
- (7) Applicant must submit to the Staff, on a confidential basis, a copy of the jurisdictional report it submits to local exchange companies. The report must be submitted within ten (10) days of the date on which it is submitted to the local exchange company.

The Commission finds that RSL'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 March 31 should be approved as amended to become effective on May 22, 1997.

**IT IS THEREFORE ORDERED:**

1. That RSL COM U.S.A., Inc. is granted a certificate of service authority to provide intrastate interexchange telecommunications services in the state of Missouri, subject to the conditions of certification set out above.

2. That RSL COM U.S.A., Inc. is classified as a competitive telecommunications company. 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
- 392.330 - issuance of securities, debts and notes
- 392.340 - reorganization(s)

**Commission Rules**

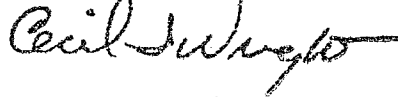
- 4 CSR 240-10.020 - depreciation fund income
- 4 CSR 240-30.010(2) (C) - rate schedules
- 4 CSR 240-30.040 - Uniform System of Accounts
- 4 CSR 240-32.030(1) (B) - exchange boundary maps
- 4 CSR 240-32.030(1) (C) - record keeping
- 4 CSR 240-32.030(2) - in-state record keeping
- 4 CSR 240-32.050(3) - 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 RSL COM U.S.A., Inc. on March 31, 1997, is approved as amended to become effective on May 22, 1997. The tariff approved is:

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

4. That this order shall become effective on May 22, 1997.

BY THE COMMISSION



Cecil I. Wright  
Executive Secretary

(SEAL)

Zobrist, Chm., Crumpton  
and Drainer, CC., Concur.

ALJ: George