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Missouri Public Service Commission

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November 5, 1999

GORDON L. PERSINGER  
Acting Executive Director  
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Director, Utility Operations

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Director, Utility Services

DONNA M. KOILIS  
Director, Administration

DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE  
General Counsel

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-2000-207

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,

*William K. Haas*

William K. Haas  
Deputy General Counsel  
(573) 751-7510  
(573) 751-9285 (Fax)

WKH:sw  
Enclosure  
cc: Counsel of Record

FILED

NOV - 5 1999

Missouri Public  
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED

NOV - 5 1999

Missouri Public  
Service Commission

In the Matter of the Application of )  
Worldwide Fiber Networks Inc., for a )  
Certificate of Service Authority to Provide )  
Interexchange Telecommunications )  
Services. )

Case No. TA-2000-207

STAFF RECOMMENDATION

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

1. In the attached Memorandum, which is labeled Appendix A, the Staff recommends that the Missouri Public Service Commission grant Worldwide Fiber Networks, Inc., (Applicant) a certificate to provide interexchange telecommunications services, a certificate to provide local exchange telecommunications services restricted to dedicated, private line services, grant Applicant competitive classification, approve Applicant's proposed tariff, PSC MO No. 1 with a proposed effective date of November 17, 1999, approve waivers listed in the Notice of Applications, and approve a waiver of 4 CSR 240-35, Reporting of Bypass and Customer Specific Arrangements by Telephone Corporations.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

William K. Haas  
William K. Haas  
Deputy General Counsel  
Missouri Bar No. 28701

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 5th day of November, 1999.

William K. Haas

*Legal Privileged*

## MEMORANDUM

To: Missouri Public Service Commission Official Case File  
Case No: TA-2000-207 File No: 0000192  
Applicant: Worldwide Fiber Networks, Inc.

From: Lisa Mahaney *LM*  
Telecommunications Department

*Wes Hendon 11/4/99 Wm K Haas 11/5/99*  
Utility Operations Division/Date General Counsel's Office/Date

Subject: Staff Recommendation for Approval of Certificate

Date: November 1, 1999

Date Assigned: September 3, 1999

Staff Deadline: November 5, 1999

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 receive competitive classification. Furthermore, Staff recommends approval of the applicant's proposed tariff, PSC MO NO. 1, with a proposed effective date of November 17, 1999. 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

Copies: Director - Utility Operations Division  
Director - Research & Public Affairs Division  
Director - Utility Services Division  
General Counsel  
Julie R. Hawkins - Applicant's Attorney  
Sondra B. Morgan - Applicant's Attorney  
Office of the Public Counsel

RECEIVED

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DA 8:50 AM  
MISSOURI  
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 type="checkbox"/> 1+                   | <input checked="" type="checkbox"/> Private Line |
| <input type="checkbox"/> 800/888/877 Services | <input type="checkbox"/> Debit Card              |
| <input type="checkbox"/> Directory Assistance | <input type="checkbox"/> Travel Card             |
| <input type="checkbox"/> Operator Assistance  | <input type="checkbox"/> Other:                  |

Has proposed effective date been extended? ☒ Yes ☐ No

New effective date: 11/17/99

Have substitute tariff sheets been filed? ☒ Yes ☐ No

Date of substitute sheets: September 27 and 29, 1999

From	Initials	Date	Revised
Lisa Mahaney	lm	11/1/99	
Wm. Voight	<i>WV</i>	11-02-99	
Mr. VanEschen	<i>VE</i>	11/2/99	
Mr. Henderson			
Legal	<i>WKT</i>	11/5/99	

Attachment to TA-2000-207  
File No. 0000192  
November 1, 1999

An Amendment to Application was filed on September 24, 1999, to request a certificate of authority to provide nonswitched local exchange telecommunications services. An Order Suspending Tariff was issued September 29, 1999, suspending the tariff to November 17, 1999.

Staff notes that the waiver lists in the Application and tariff do not match the Notice, in that the Notice does not include 4 CSR 240-35, which has not been previously approved for IXC's, or 392.210.2, which is routinely granted to IXC's.

Applicant requests a waiver of 4 CSR 240-35, which has not been previously approved for IXC's. In support of its request, Applicant states:

Worldwide Fiber will be providing service only to other carriers, and its service will be billed exclusively on an individual case basis through contracts. This service will be highly competitive and all of these ICB arrangements will contain customer-specific sensitive and proprietary information. In addition, the filing of all contracts with the Commission would be time-consuming and burdensome. Since waiver of this rule is routinely granted to competitive local exchange companies, Worldwide believes that it is also appropriate to grant waiver of this section to a competitive interexchange carrier.

Staff believes ICB rates for high capacity transport are acceptable as long as they are for services provided to other carriers and not end users. Staff notes that a waiver of 4 CSR 240-35 is routinely granted to competitive local exchange companies (CLECs) and believes that it is also appropriate to grant it for an IXC in this situation. For these reasons, Staff recommends the Commission approve this waiver.

**Service List for  
Case No. TA-2000-207  
November 5, 1999**

**Office of the Public Counsel  
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**W.R. England, III  
Sondra B. Morgan  
Brydon, Swearngen & England P.C.  
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