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Vice Chair

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY, MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.ecodev.state.mo.us/psc/>

December 8, 1999

GORDON L. PERSINGER
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DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

FILED²

DEC 8 1999

Missouri Public
Service Commission

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-2000-259

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,

Nathan Williams
Assistant General Counsel
(573) 751-8702
(573) 751-9285 (Fax)

NW/mm
Enclosure
cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

FILED²

DEC 8 1999

In the Matter of the Application of)
Intercontinental Communications Group,)
Inc. d/b/a Fusion – Trucker Phone for a)
Certificate of Service Authority to Provide)
Intrastate Interexchange)
Telecommunications Services to the)
public within the State of Missouri and for)
Competitive Classification.

Missouri Public
Service Commission

Case No. TA-2000-259

STAFF RECOMMENDATION

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

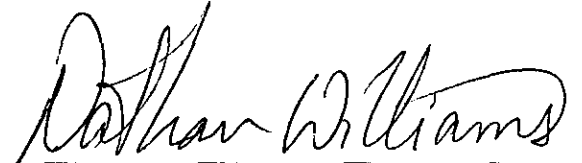
1. In the attached Memorandum, which is labeled Appendix A, the Staff recommends that the Missouri Public Service Commission grant to Intercontinental Communications Group, Inc. d/b/a Fusion – Trucker Phone (Applicant): 1) a certificate of service authority to provide interexchange telecommunications services; 2) grant the Applicant competitive classification; 3) approve Applicant's proposed tariff, Missouri P.S.C. No. 1 with a proposed effective date of December 17, 1999; and 4) waive the application of the Rules and Statutes listed in the Notice of Applications issued in this case.
2. In the Memorandum, the Staff also notes that the Applicant's proposed operator services rates comply with § 392.515(1), RSMo. 1994, which creates a presumption of reasonability when a certain requirement is met.

3. The Commission, in Case No. TA-97-59 issued Intercontinental Communications Group, Inc. d/b/a ICLD a certificate of service authority to provide interexchange services. On September 24, 1999, the Commission issued its Order approving an amended tariff reflecting a change in fictitious name to Fusion Telecom. Similarly to Cases Nos. TA-2000-33 and TA-2000-35, the proposed tariff in this case for Intercontinental Communications Group, Inc. d/b/a Fusion – Trucker Phone provides the same services and rates as the tariff on file for Intercontinental Communications Group, Inc. d/b/a Fusion Telecom. In TA-2000-33 and TA-2000-35, the Commission required that any future change in the tariff rates or services made to either d/b/a also be made to the other d/b/a, i.e., that the tariffs be linked.

WHEREFORE, the Staff recommends the Commission enter an Order granting Applicant the following: 1) a certificate of service authority to provide interexchange telecommunications services; 2) competitive classification for the foregoing services; 3) approval of Applicant's proposed tariff, Missouri P.S.C. No. 1 with an effective date of December 17, 1999; and 4) waiver of the application of the Rules and Statutes listed in the Notice of Applications issued in this case

Respectfully submitted,

DANA K. JOYCE
General Counsel

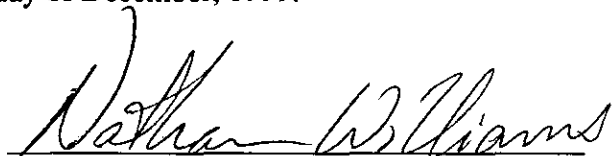


Nathan Williams
Assistant General Counsel
Missouri Bar No. 35512

Attorney for the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-8702 (Telephone)
(573) 751-9285 (Fax)

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 8th day of December, 1999.



MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No: TA-2000-259 File No: 0000287
Applicant: Intercontinental Communications Group, Inc.
d/b/a Fusion - Trucker Phone

From: Lisa Mahaney *lm* *BN*
Telecommunications Department

Wendy Headline 12-1-99 *Wm K Hoos 12/7/99*
Utility Operations Division/Date General Counsel's Office/Date

NW 12/7/99

Subject: Staff Recommendation for Approval of Certificate

Date: December 1, 1999

Date Assigned: October 1, 1999

Staff Deadline: December 8, 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 December 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

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

Has proposed effective date been extended? ☒ Yes ☐ No

New effective date: December 17, 1999

Have substitute tariff sheets been filed? ☒ Yes ☐ No

Date of substitute sheets: 10/26/99, 11/3/99, 11/29/99, 11/30/99

From	Initials	Date	Revised
Lisa Mahaney	LM	11/3/99	12/1/99 12/7/99
Wm. Voight	BU	12-1	12/7/99
Mr. VanEschen	EV	12/1	12/7/99
Mr. Henderson	WH	12-1-99	12/7/99
Legal	WKH	12/7/99	

Attachment to TA-2000-259
File No. 0000287
December 1, 1999

A Notice of Deficiency was issued October 14, 1999, directing Applicant to file an amended pleading or substitute tariff sheets by October 25, 1999. On October 25, 1999, Applicant filed a Motion for Extension of Time to Respond to Commission Order. An Order Granting Extension of Time was issued October 26, 1999. Applicant filed substitute tariff sheets on October 26, 1999, to cure the deficiency. Staff has reviewed the substitute sheets and finds them acceptable.

Applicant proposes a variety of rates for traffic aggregators according to location. Staff notes that Subsection 392.515(1) (RSMo 1990), states:

Intrastate operator services provided by alternative operator service companies shall be provided pursuant to rates approved by the commission under the provisions of subsection 2 of section 392.220, provided that proposed rates shall be presumed reasonable by the commission and approved if they are no higher than operator service rates of certificated interexchange telecommunications companies which are not alternative operator services companies;

AT&T has the highest operator services rates for an IXC that is not an alternative operator services company. Staff compared Applicant's proposed operator services rates to AT&T's and finds them to be no higher. Thus, Staff has no objection to the proposed operator services rates. Also, a tariff for this same company using a different fictional name, Fusion Telecom, was approved effective September 27, 1999, with identical services and rates as those proposed by Applicant here.

Staff notes Applicant will have two fictitious names, similar to Grand River Communications, Inc., d/b/a Grand River Long Distance and d/b/a Lathrop Long Distance, approved by the Commission in Case Nos. TA-2000-33 and TA-2000-35 effective September 13, 1999.

Service List for
Case No. TA-2000-259
December 8, 1999

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Mark W. Comley
Newman, Comley & Ruth
601 Monroe Street, Suite 301
Jefferson City, MO 65102