

B✓
80
54

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office
in Jefferson City on the 23rd
day of September, 1997.

In the Matter of ACSI Local Switched Services, Inc.)
for a Certificate of Service Authority to Provide)
Interexchange and Local Exchange Services and for) Case No. TA-98-57
Designation as a Competitive Telecommunications)
Company.)
)

**ORDER APPROVING INTEREXCHANGE AND LOCAL EXCHANGE
CERTIFICATES OF SERVICE AUTHORITY AND ORDER APPROVING TARIFF**

ACSI Local Switched Services, Inc. (ACSI), applied to the Public Service Commission on August 8, 1997, for a certificate of service authority to provide intrastate interexchange and local exchange telecommunications services in Missouri under Sections 392.410-.450, RSMo 1994.¹ ACSI 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. ACSI is a Maryland corporation, with its principal office located at 131 National Business Parkway, Suite 100, Annapolis Junction, Maryland 20701.

The Commission issued a Notice of Applications and Opportunity to Intervene on August 19, directing parties wishing to intervene in the case to file their requests by September 3. 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.

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

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 requested a hearing in this case, the Commission may grant the relief requested based on the verified application.

ACSI filed a proposed tariff in conjunction with its application and filed substitute sheets on August 14 and September 10. The tariff's effective date is September 25. ACSI's tariff describes the rates, rules and regulations it intends to use, identifies ACSI as a competitive company, and lists the waivers requested. ACSI eventually intends to provide interexchange and local exchange telecommunications services including 1+ direct dial, WATS line, 800 number services, prepaid and post-paid calling card and debit card services, operator assisted services and audio conference calling services. Currently it is only offering audio conference calling and post-paid calling card services under its tariff.

In its Memorandum filed on September 17, the Staff of the Commission stated that ACSI's proposed services are similar to existing IXC offerings. Staff points out, however, that only the proposed audio conference calling and post-paid calling card services are reflected by rates listed in the tariff filing. Staff recommended that the Commission grant ACSI a certificate of interexchange service authority, and a certificate of service authority for local exchange telecommunications services on condition that this authority be restricted to providing dedicated, nonswitched local exchange private line services. Staff recommended that the Commission grant ACSI competitive status, and waiver of the statutes and rules listed in the Notice. Staff recommended that the Commission approve the proposed tariff to become effective on September 25.

The Commission finds that competition in the intrastate interexchange and local exchange telecommunications markets is in the public interest and ACSI should be granted a certificate of service authority. The Commission finds that the services ACSI proposes to offer are competitive and ACSI 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 3 is reasonable and not detrimental to the public interest.

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

- (1) ACSI 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) ACSI 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 Section 392.220, RSMo Supp. 1996.
- (3) ACSI may not unjustly discriminate between its customers. §§ 392.200, RSMo Supp. 1996, 392.400.
- (4) ACSI must comply with all applicable rules of the Commission except those specifically waived by this order. §§ 386.570, 392.360.
- (5) ACSI must file a Missouri-specific annual report. §§ 392.210, 392.390.1.

(6) ACSI must comply with jurisdictional reporting requirements as set out in each local exchange company's access services tariffs. § 392.390.3.

(7) ACSI 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 ACSI's proposed tariff details the services, equipment, and pricing it proposes to offer, and is similar to tariffs approved for other Missouri certificated interexchange and local exchange carriers. The Commission finds that the proposed tariff filed on August 8 shall be approved as amended to become effective on September 25.

IT IS THEREFORE ORDERED:

1. That ACSI Local Switched Services, 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 ACSI Local Switched Services, Inc., is granted a certificate of service authority to provide local exchange telecommunications services in the state of Missouri limited to providing dedicated, nonswitched local exchange private line services, subject to the conditions of certification set out above.

3. That ACSI Local Switched Services, Inc., be 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
- 392.340 - reorganization(s)
- 392.330, RSMo Supp. 1996 - 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

4. That the tariff filed by ACSI Local Switched Services, Inc., on August 8, 1997, is approved as amended to become effective on September 25, 1997. The tariff approved is:

P.S.C. Mo. No. 1

5. That this order shall become effective on September 25, 1997.

BY THE COMMISSION



(S E A L)

Cecil I. Wright
Executive Secretary

Lumpe, Ch., Crumpton,
Drainer and Murray, CC.,
concur.

ALJ: Hennessey