STATE OF MISSOURI PUBLIC SERVICE COMMISSION

At a session of the Public Service Commission held at its office in Jefferson City on the 15th day of October, 1997.

In the Matter of the Application of Access Point,)
Inc. for a certificate of Service Authority to) Case No. TA-98-106
Provide Interexchange Telecommunications Services.)

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY AND ORDER APPROVING TARIFF

Access Point, Inc. (Access Point) applied to the Public Service Commission on September 5, 1997, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under Section 392.440, RSMo 1994.¹ Access Point 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. Access Point is a North Carolina corporation, with its principal office located at 1100 Crescent Green, Suite 109, Cary, North Carolina 27511.

The Commission issued a Notice of Applications and Opportunity to Intervene on September 16, directing parties wishing to intervene in the case to file their requests by October 1. 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. <u>State ex rel.</u> <u>Rex Deffenderfer Enterprises, Inc. v. Public Service Commission</u>, 776 S.W.2d 494, 496 (Mo. App. 1989). Since no one has asked permission to intervene

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

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

Access Point filed a proposed tariff in conjunction with its application with an effective date of October 23. Access Point's tariff describes the rates, rules, and regulations it intends to use, identifies Access Point as a competitive company, and lists the waivers requested. Access Point intends to provide interexchange telecommunications services, including direct (1+) dialing, 800 number, directory assistance, travel card and debit card services throughout the state of Missouri.

In its Memorandum filed on October 7 the Staff of the Commission stated that Access Point's proposed services are similar to existing IXC offerings. Staff recommended that the Commission grant Access Point 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 to become effective on October 23.

The Commission finds that competition in the intrastate interexchange telecommunications market is in the public interest and Access Point should be granted a certificate of service authority. The Commission finds that the services Access Point proposes to offer are competitive and Access Point 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 Section 392.470, that Access Point should comply with the following regulatory requirements as reasonable and necessary conditions of certification:

- (1) Access Point 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) Access Point 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) Access Point may not unjustly discriminate between its customers. §§ 392.200, RSMo Supp. 1996, 392.400.
- (4) Access Point must comply with all applicable rules of the Commission except those specifically waived by this order.
 §§ 386.570, 392.360.
- (5) Access Point must file a Missouri-specific annual report. §§ 392.210, 392.390.1.
- (6) Access Point must comply with jurisdictional reporting requirements as set out in each local exchange company's access services tariffs. § 392.390.3.
- (7) Access Point 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-days of the date on which it is submitted to the local exchange company.

The Commission finds that Access Point'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.

3

The Commission finds that the proposed tariff filed on September 5 should be approved to become effective on October 23.

IT IS THEREFORE ORDERED:

1. That Access Point, 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 Access Point, 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		
392.340	 reorganization(s) 		
392.330,	RSMo Supp. 1996 - issuance of securities,		
	debts and notes		

Commission Rules

	240-10.020		depreciation fund income
4 CSR 2	240-30.010(2)(C)	-	rate schedules
4_ CSR 2	240-30.040	-	Uniform System of Accounts
4 CSR 2	240-32.030(1)(B)	-	exchange boundary maps
4 CSR 2	240-32.030(1)(C)	-	record-keeping
4 CSR 2	240-32.030(2)	-	in-state record-keeping
4 CSR 2	240-32.050(3)	-	local office record-keeping
4 CSR 2	240-32.050(4)	-	telephone directories
4 CSR 2	240-32.050(5)	-	call intercept
4 CSR 2	240-32.050(6)	-	telephone number changes
4 CSR 2	240-32.070(4)	-	public coin telephone
4 CSR 2	240-33.030	-	minimum charges rule
4 CSR 2	240-33.040(5)	-	financing fees

3. That the tariff filed by Access Point, Inc. on September 5, 1997, is approved to become effective on October 23, 1997. The tariff approved is:

P.S.C. Mo. Tariff No. 1

4. That this order shall become effective on October 23, 1997.

5. That this case shall be closed on November 3, 1997.

BY THE COMMISSION

Cil Juligo

Cecil I. Wright Executive Secretary

(SEAL)

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

Randles, Regulatory Law Judge