

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of )  
Time Warner Cable Business LLC )  
for a Certificate of Service Authority to Provide ) File No. XA-2013-0430  
Intrastate Interexchange Telecommunications Services )  
and to Classify Applicant as Competitive )

## ORDER GRANTING APPLICATION

Issue Date: April 26, 2013

Effective Date: April 29, 2013

The Missouri Public Service Commission is granting the application, with conditions recommended by Staff.

### I. Procedure

Applicant is a Delaware limited liability company. Applicant filed the application on March 21, 2013. Also on March 21, 2013, the Commission issued notice and set a deadline for motions to intervene. The Commission received no motion to intervene by the deadline. Staff filed its *Staff Recommendation* on April 15, 2013. Staff recommends granting the application subject to conditions set forth below and the Commission received no response as of the date of this order. No law requires a hearing,<sup>1</sup> so this action is not a contested case<sup>2</sup> and the Commission need not separately state its findings of fact. Those circumstances also constitute good cause for an effective date less than 30 days from issuance.<sup>3</sup>

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<sup>1</sup> *State ex rel. Rex Deffenderfer Ent., Inc. v. Public Serv. Comm'n*, 776 S.W.2d 494, 496 (Mo. App., W.D. 1989).

<sup>2</sup> Section 536.010(4), RSMo Supp. 2012.

<sup>3</sup> Section 393.140(11), RSMo 2000.

## II. Certification

Applicant asks that the Commission certify applicant as described in the caption of this order. The Commission finds and concludes that the public interest supports granting that request.<sup>4</sup> Therefore, the Commission will grant the authority requested in the application.

## III. Competitive Classification

Applicant asks the Commission to classify applicant and its services as competitive. The Commission finds that the relevant market competition is in the public interest, and that the services that applicant proposes to offer are competitive.<sup>5</sup> Therefore, the Commission will classify applicant and its services as competitive.

## IV. Waivers

Applicant asks the Commission to waive certain statutes and regulations. The Commission finds and concludes that waiving the statutes and regulations set out in the ordered paragraphs below is not detrimental to the public interest.<sup>6</sup> Therefore, the Commission will waive those provisions of law.

## V. Other Matters

Section 392.410.5, RSMo Supp. 2012, renders any certificate of service authority null and void one year from the date of this order unless the Applicant has exercised its authority under that certificate.

### **THE COMMISSION ORDERS THAT:**

1. Applicant is granted a certificate of service authority to provide interexchange service.

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<sup>4</sup> Sections 392.430, RSMo 2000.

<sup>5</sup> Sections 392.420 and 392.361.3 and .4, RSMo Supp. 2012.

<sup>6</sup> Sections 392.245.5(8) and 392.361, RSMo Supp. 2012.

2. The Applicant shall undertake all necessary measures to ensure its contracts with underlying carriers do not contain provisions preventing delivery of traffic to any telephone exchange area of Missouri. Such measures include but are not limited to:

- 1) Prevention of call blocking and/or call gapping based on the cost of traffic termination,
- 2) Preventing the alteration or stripping of Calling Party Number identification, and
- 3) Ensuring sufficient network capacity exists to process all traffic according to industry accepted practices.

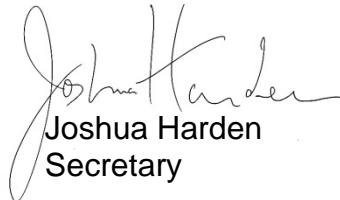
3. Applicant is classified as a competitive telecommunications company and applicant's services are classified as competitive.

4. The provisions of law listed in the Appendix are waived.

5. This order shall become effective on April 29, 2013.

6. This file shall close on April 30, 2013.

**BY THE COMMISSION**



Joshua Harden  
Secretary

Daniel Jordan, Senior Regulatory Law Judge,  
by delegation of authority pursuant  
to Section 386.240.

Dated at Jefferson City, Missouri,  
on this 26<sup>th</sup> day of April, 2013.

## **Appendix**

### **RSMO**

- 392.210.2 Accounting requirements (system of accounts)
- 392.240.1 Reasonableness of rates
- 392.270 Accounting requirements (valuation of property)
- 392.280 Accounting requirements (depreciation rates/accounts)
- 392.290 Issuance of stocks, bonds and other indebtedness
- 392.300 Transfer of property and ownership of stock
- 392.310 Approval of issuing stocks, bonds and other indebtedness
- 392.320 Certificate of Commission to be recorded-stock dividends
- 392.330 Accounting requirements (proceeds of sales of stock, bonds, notes, etc.)
- 392.340 Company reorganization

### **4 CSR 240**

- 3.520 Applications to sell or transfer assets
- 3.525 Applications to merge or consolidate
- 3.530 Applications to issue stocks, obtain loans
- 3.535 Applications to acquire stock
- 3.545(8)(C) Listing of Waivers in Tariff
- 3.550 Telco Records and Reports (except (5)(B), (D) and (E))
- 3.555 Residential Customer Inquiries
- 3.560 Procedure for Ceasing Operations
- 10.020 Depreciation Records
- 30.020 Residential Telephone Underground Systems
- 30.040 Uniform System of Accounts

32.010 General Provisions

32.040 Metering, Inspections and Tests

32.050 Customer Services

32.060 Engineering and Maintenance

32.070 Quality of Service

32.080 Service objectives and surveillance levels

32.090 Connection of equipment and Inside Wiring

32.100 Provision of Basic Local and Interexchange Services

32.130-170 Prepaid Calling Cards (except 32.140 and 32.150(1))

32.180-190 Caller ID blocking requirements

33.010 Service and Billing Practice General Provisions

33.040 Billing and Payment standards

33.045 Clear identification and placement of charges on bills

33.050 Deposits

33.060 Residential Customer Inquiries

33.070 Discontinuance of service

33.080 Disputes by Residential Customers

33.090 Settlement agreements with residential customers

33.130 Operator service requirements

33.140 Payphone requirements (except (2))

33.150 “Anti-slamming” requirements

33.160 Customer Proprietary Network Information