

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Cancellation of the)	
Certificate of Service Authority of Switched)	
Services Communications, L.L.C., to Provide)	File No. XD-2013 _____
Intrastate Interexchange Telecommunications)	
Services within the State of Missouri)	

MOTION TO CANCEL CERTIFICATE OF SERVICE AUTHORITY

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), by and through the undersigned counsel, and moves for the Missouri Public Service Commission (“Commission”) to cancel the certificate of service authority of Switched Services Communications, L.L.C., (“Switched Services” or “Company”) and associated tariff. For its Motion, Staff respectfully states as follows:

1. On August 8, 1995, the Commission granted a certificate of service authority to the Company to provide intrastate interexchange telecommunications services in the state of Missouri in Case No. TA-95-386. (See Attachment A).
2. On July 9, 1998, IXC Communications Services, Inc. (“IXC Services”) and Switched Services filed an application with the Commission requesting approval of a merger with IXC Services becoming the surviving corporation.
3. On September 23, 1998, the Commission issued its *Order Approving Merger (Order)* that approved the merger with IXC Services being the surviving corporation. (See Attachment B).
4. The Commission’s *Order* also directed the parties to that case to file within 60 days of the consummation of the merger a motion to terminate Switched Services’ certificate and tariff. (See Attachment B).

5. On May 10, 1999, the Missouri Secretary of State received a notice that the effective date of the merger between Switched Services and IXC Services was December 23, 1998. (See Attachment C).

6. To the Staff's knowledge, the parties to the merger never filed a motion to terminate Switched Services' certificate and tariff with the Commission.

7. Because Switched Services is no longer providing service in Missouri, the Staff recommends the Commission cancel the Company's certificate and associated tariff.

8. The Commission has the authority to cancel a telecommunications certificate pursuant to Section 392.410.5 RSMo 2000, which provides "[a]ny certificate of service authority may be altered or modified by the commission after notice and hearing, upon its own motion or upon application of the person or company affected."

9. The Commission need not hold a hearing, if, after proper notice and opportunity to intervene, no party requests such a hearing. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494 (Mo. App. W.D. 1989).

10. The Company is delinquent on the filing of its calendar year 1995 through 2011 annual reports.

WHEREFORE, Staff recommends the Commission cancel the certificate of service authority and associated tariff of Switched Services Communications, L.L.C., to provide intrastate interexchange telecommunications services in the state of Missouri.

Respectfully submitted,

/s/Jennifer Hernandez

Jennifer Hernandez
Senior Staff Counsel
Missouri Bar No. 59814

Attorney for the Staff of the
Missouri Public Service Commission
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Jefferson City, MO 65102
(573) 751- 8706 (Telephone)
(573) 751-9285 (Fax)
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on this 10th day of August by: First Class United States Mail, postage prepaid, to Switched Services Communications, L.L.C., 5000 Plaza on the Lake, Suite 200, Austin TX 78746; Switched Services Communications, L.L.C., c/o CT Corporation System, 811 Dallas Ave., Houston, TX 77002; and by electronic mail to the Office of the Public Counsel at opcservice@ded.mo.gov.

/s/Jennifer Hernandez

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 8th
day of August, 1995.

In the matter of the application of Switched)
Services Communications, L.L.C. for a)
certificate of service to operate as an) CASE NO. TA-95-386
interexchange telecommunications resale)
carrier statewide within the State of Missouri.)

ORDER APPROVING INTEREXCHANGE CERTIFICATE OF SERVICE AUTHORITY AND
ORDER APPROVING TARIFF

Switched Services Communications, L.L.C. applied to the Public Service Commission on May 23, 1995, for a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri under § 392.440 RSMo 1994¹. Switched Services asked the Commission to classify it as a competitive company and waive certain statutes and rules as authorized by §§ 392.361 and 392.420. Applicant is a Texas corporation, with its principal office at 5000 Plaza on the Lake, Suite 200, Austin, Texas.

The Commission issued a Notice and Schedule of Applicants on June 6, 1995, directing parties wishing to intervene in the case to do so by June 21, 1995. Since no one requested a hearing or permission to intervene, the Commission determines that no hearing is necessary. *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo.App. 1989).

Switched Services filed a proposed tariff on July 11, 1995, and filed substitute sheets on July 31, 1995. The tariff's effective date is

¹All statutory references are to Revised Statutes of Missouri 1994.

August 13, 1995. Switched Services's tariff describes the rates, rules, and regulations it intends to use, identifies Switched Services as a competitive company, and lists the waivers requested. Switched Services intends to provide interexchange telecommunications services including "1+" long distance, 800 number, and travel card services.

In its Memorandum filed August 3, 1995, the Staff of the Commission stated that Applicant's proposed services are the same or equivalent to those classified as competitive in Case No. TO-88-142, *In re the investigation for the purpose of determining the classification of the services provided by interexchange telecommunications companies within the State of Missouri*, 30 Mo. P.S.C. (N.S.) 16 (September 1989). Staff recommended that the Commission grant Applicant 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 tariff as amended, effective August 13, 1995.

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

- (1) Applicant 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) Applicant 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 § 392.220.
- (3) Applicant may not unjustly discriminate between its customers. §§ 392.200, 392.400.
- (4) Applicant must comply with all applicable rules of the Commission except those specifically waived by this order. §§ 386.570, 392.360.
- (5) Applicant must file a Missouri-specific annual report. §§ 392.210, 392.390.1.
- (6) Applicant must comply with jurisdictional reporting requirements as set out in each local exchange company's access services tariffs. § 392.390.3.
- (7) Applicant 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 Switched Services'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. The Commission finds that the proposed tariff filed on July 11, 1995, and amended on July 31, 1995, should be approved, effective August 13, 1995.

IT IS THEREFORE ORDERED:

1. That Switched Services Communications, L.L.C. be 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 Switched Services Communications, L.L.C. 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
- 392.330 - issuance of securities, debts and notes
- 392.340 - reorganization(s)

Commission Rules

- | | |
|------------------------|-------------------------------|
| 4 CSR 240-10.020 | - depreciation fund income |
| 4 CSR 240-30.010(2)(C) | - rate schedules |
| 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 |

3. That the tariff filed by Switched Services Communications, L.L.C. on July 11, 1995, be approved as amended, effective August 13, 1995. The tariff approved is:

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

4. That this order shall become effective on August 13, 1995.

BY THE COMMISSION

David L. Rauch

David L. Rauch
Executive Secretary

(S E A L)

Mueller, Chm., McClure, Kincheloe,
Crompton, and Drainer, CC., Concur.

Freeman - Ducta

CASE NO. TA-95-386

Alm

Chairman

Alm

Commissioner

Alm

Commissioner

Alm

Commissioner

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Commissioner

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3-1584

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STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 8th day of August, 1995.

David L. Rauch

David L. Rauch
Executive Secretary

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,
1998.

In the Matter of the Application for Approval)
of a Merger of Switched Services Communications,) Case No. TM-99-16
L.L.C. into IXC Communications Services, Inc. for)
Approval of an Agreement and Plan of Merger.)
)

ORDER APPROVING MERGER

IXC Communications Services, Inc. (IXC Services), formerly IXC Long Distance, Inc. and Switched Services Communications, L.L.C. (SSC) filed an application on July 9, 1998, requesting approval of a merger with IXC Services becoming the surviving corporation. Both parties are competitive companies with approved tariffs on file with the Commission.

IXC Services is a Delaware corporation with its headquarters at 1122 Capital of Texas Highway South, Austin, Texas 78746. IXC Services is a wholly owned subsidiary of IXC Communications, Inc. (IXC), whose stock is publicly traded on the NASDAQ Stock Market. IXC Services currently operates as a reseller of intrastate interexchange services in 48 states, including Missouri. IXC Services received its authority to provide telecommunications services in Missouri under the name IXC Long Distance, Inc. on August 11, 1995, in Case No. TA-95-387. IXC Services also provides interstate and international telecommunications services pursuant to authority of the Federal Communications Commission (FCC).

SSC is a Texas Limited Liability Company, and is currently composed of one member company, IXC Services. SSC maintains its headquarters at

Attachment B

1122 Capital of Texas Highway South, Austin, Texas 78746. SSC is a reseller of intrastate interexchange services in 48 states, including Missouri. SSC received its authority to provide telecommunications services in Missouri on August 8, 1995 in Case No. TA-95-386.

On June 25, 1998, the parties executed an Agreement and Plan of Merger pursuant to which SSC will be merged into IXC Services after the requisite regulatory approvals have been obtained. After the transaction, SSC will surrender its certification and IXC Services will take over all of SSC's current operations. IXC Services will continue to provide services to customers under existing service arrangements. The parties state that the merger will not affect the provision of telecommunications service in Missouri.

The parties state that the name change from IXC Long Distance, Inc. to IXC Communications Services, Inc. took place on June 16, 1998, and that documentation from the Missouri Secretary of State and a tariff reflecting the name change will be filed with the Commission shortly.

The Staff of the Commission (Staff) filed a Memorandum containing its recommendation on August 12, 1998. Staff has reviewed the application and has no objections to the proposed merger, and recommends approval of the proposed transaction. Staff also recommends that the Commission order that the documentation for name change and a revised IXC Services tariff be filed within 60 days of the Commission's order approving the merger. Staff further recommends that the parties file within 60 days after consummation of the merger a motion to terminate SSC's certificate and tariff.

IT IS THEREFORE ORDERED:

1. That the Joint Application filed by IXC Communications Services, Inc., formerly IXC Long Distance, Inc., and Switched Services Communications, L.L.C., on July 9, 1998, for authority for a merger of Switched Services Communications, L.L.C. with and into IXC Communications Services, Inc., with IXC Communications Services, Inc., becoming the surviving corporation, is approved.
2. That the parties are authorized to take any and all actions necessary to effect the merger authorized by this order.
3. That IXC Communications Services, Inc., shall advise the Commission within ten days after the merger is consummated.
4. That the parties shall file within 60 days of the consummation of the merger, documentation for the name change, and a revised interexchange services tariff, along with a motion to terminate Switched Services Communications, L.L.C.'s certificate and tariff.
5. That this Order shall become effective on October 6, 1998.

BY THE COMMISSION

Dale Hardy Roberts

Secretary/Chief Regulatory Law Judge

(S E A L)

Drainer, Murray and Schemenauer,

CC., concur.

Lumpe, Ch., and Crumpton, C.,

absent.

Ruth, Regulatory Law Judge

May 10 1999

THIS IS TO ADVICE ON THE ABOVE DATE

SWITCHED SERVICES COMMUNICATIONS, LLC (#FL0002162)

CEASED TO EXIST BY VIRTUE OF ITS MERGER INTO:

IXC COMMUNICATIONS SERVICES, INC. (#F00404290)

THE EFFECTIVE DATE OF THE MERGER IN THE PARENT STATE OF THE
SURVIVOR WAS:

December 23 1998

Attachment C



STATE OF MISSOURI
OFFICE OF SECRETARY OF STATE
JEFFERSON CITY 65102

May 10 1999

C T Corporation System
ATTN: Eugene A. Wallace
811 Dallas Ave.
Houston TX 77002

Re: IXC COMMUNICATIONS SERVICES, INC. (#F00404290)

Dear Corporation:

This is to advise you that on the day shown below we have filed for record in this office a merger between:

SWITCHED SERVICES COMMUNICATIONS, LLC (#LC0002162)

INTO:

IXC COMMUNICATIONS SERVICES, INC. (#F00404290)

This merger was filed in this office on May 10 1999.

The merger was effective in the home state of the survivor on December 23 1998.

The survivor is qualified to transact business in Missouri.

The fee for filing a merger is \$25.00, plus \$1.00 for each additional foreign-corporation qualified in Missouri over two in number. If you did not send us a check for that amount, a bill for the correct amount is being sent to you.

Sincerely,

REBECCA M. COOK
Secretary of State

FILED

Corporation Division

MAY 10 1999

Rebecca McDowell Cook
SECRETARY OF STATE

State of Delaware
Office of the Secretary of State

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I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE CERTIFICATE OF MERGER, WHICH MERGES:

"SWITCHED SERVICES COMMUNICATIONS, L.L.C.", A TEXAS LIMITED LIABILITY COMPANY,

WITH AND INTO "IXC COMMUNICATIONS SERVICES, INC." UNDER THE NAME OF "IXC COMMUNICATIONS SERVICES, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, WAS RECEIVED AND FILED IN THIS OFFICE THE TWENTY-THIRD DAY OF DECEMBER, A.D. 1998, AT 12:30 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE AFORESAID CORPORATION SHALL BE GOVERNED BY THE LAWS OF THE STATE OF DELAWARE.

FILED

MAY 10 1999

Rebecca McDowell Cook
SECRETARY OF STATE



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A handwritten signature in cursive script, reading "Edward J. Freel".

Edward J. Freel, Secretary of State

AUTHENTICATION: 9704873

DATE: 04-23-99