

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Cancellation of the Certificate of Service) Case No. TD-2002-19
Authority Accompanying Tariff of Five Star Telecom, Inc.)

ORDER CANCELING INTEREXCHANGE CERTIFICATE **AND CANCELING INTEREXCHANGE TARIFF**

This order cancels the certificate of service authority to provide intrastate interexchange telecommunications services granted to Five Star Telecom, Inc., along with its accompanying tariffs.

On June 13, 2001, the Staff of the Missouri Public Service Commission filed its motion to open a case and cancel Five Star Telecom's certificate of service authority and its accompanying tariff. Staff stated that the Commission granted Five Star Telecom a certificate of service authority to provide intrastate interexchange telecommunications services in Case No. TA-97-166. Staff reported that Five Star Telecom's 2000 annual report form was returned by the postal service as undeliverable. Staff noted that records of the Missouri Secretary of State's office indicate that Five Star Telecom was administratively dissolved by the Missouri Secretary of State on September 14, 1999, due to its failure to file an annual report with that office.

Staff stated that Five Star Telecom has not filed a formal request to cancel its certificate. Staff alleged that Five Star Telecom has violated the terms of its certificate by its failure to keep the Commission informed of its current address and telephone number and its failure to file annual reports. Staff certified that a copy of its motion was mailed

certified return receipt requested or hand-delivered to Five Star Telecom at the following addresses:

Five Star Telecom, Inc.
5905 Johns Rd.
Tampa, FL 33634

Robert L. Hawkins III
P.O. Box 1497
700 East Capitol Avenue
Jefferson City, MO 65102

Paul Gamberg
Executive Vice-President
624 S. Grand Ave., Suite 302
Los Angeles, CA 90017

Section 392.210, RSMo,¹ states, "Every telecommunications company shall file with the commission an annual report . . . covering the yearly period fixed by the commission." Section 392.390.1 states, "[A telecommunications company must file] annual reports with the commission as required by the commission and in a form and at times prescribed by the commission." In addition, the terms of the certificate also require Five Star Telecom to keep the Commission informed of its current address and telephone number.

The Commission has the authority to cancel a telecommunications corporation certificate under Section 392.410.5, which states, "Any 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."

¹ All references to the Revised Statutes of Missouri, unless otherwise specified, are to the revision of 2000.

The *Deffenderfer* case held that 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.² Since no one has requested a hearing in this case, the Commission may grant the relief requested based on the application.

The Commission has reviewed the application and the official file and finds that it is reasonable to cancel Five Star Telecom's certificate. Therefore, the certificate of service authority granted to Five Star Telecom in Case No. TA-98-214, along with its accompanying tariffs, will be canceled.

IT IS THEREFORE ORDERED:

1. That the certificate of service authority granted in Case No. TA-97-166 to Five Star Telecom, Inc., along with its accompanying tariffs, is canceled.
2. That this order will become effective on August 17, 2001.
3. That this case may be closed on August 18, 2001.

BY THE COMMISSION

(SEAL)



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Nancy Dippell, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 7th day of August, 2001.

² *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. 1989).

Original Title Sheet

MISSOURI INTEREXCHANGE TELECOMMUNICATIONS TARIFF

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Five Star Telecom, Inc.
624 S Grand Ave. Suite 302
Los Angeles, CA 90017

MISSOURI
Public Service Commission

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of service and facilities for telecommunications services provided by Five Star Telecom, Inc. within the State of Missouri. This tariff is on file with the Missouri Public Service Commission and copies may be inspected, during normal business hours, at Five Star's principal place of business.

Five Star Telecom operates as a competitive telecommunications company as defined by Case No. TO-88-142 within the State of Missouri.

CANCELLED

AUG 17 2001

TD-2002-19
Public Service Commission
MISSOURI

ISSUED: October 24, 1996

EFFECTIVE: December 8, 1996

BY: Gene Elmore, President
Five Star Telecom, Inc.
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WAIVER OF RULES AND REGULATIONS

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Pursuant to Case No. TA97166, the following statutes and rules have been waived for purposes of offering telecommunications services as set forth herein:

	STATUTES
Section 392.240(1)	Rates reasonable average return on investment
Section 392.270	Property valuation
Section 392.280	Depreciation rates
Section 392.290	Issuance of stocks and bonds
Section 392.310	Issuance of stocks and bonds
Section 392.320	Issuance of stocks and bonds
Section 392.330	Issuance of stocks and bonds
Section 392.340	Reorganization
4 CSR 240-10.020	Income of depreciation fund investments
4 CSR 240-30.010 (2) (C)	Posting exchange rates at central office
4 CSR 240-30.040 (1-3)	Uniform System of Accounts
4 CSR 240-30.040 (5-6)	Uniform System of Accounts
4 CSR 240-32.030 (1) (B)	Exchange boundary maps
4 CSR 240-32.030 (1) (C)	Record of access lines
4 CSR 240-32.030 (2)	Records kept within state
4 CSR 240-32.050 (3-6)	Telephone directories
4 CSR 240-32.070 (4)	Coin Telephones
4 CSR 240-33.030	Inform customers of lowest priced service
4 CSR 240-33.040 (5)	Finance fee

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SYMBOLS

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The following are the only symbols used for the purposes indicated below:

- (C) To signify changed regulation
- (D) To signify discontinued rate or regulation
- (I) To signify rate increase
- (M) Moved from another tariff location
- (N) To signify new rate
- (R) To signify rate reduction
- (T) To signify a change in text but no rate change

TARIFF FORMAT

A. Sheet Numbering Sheet numbers appear in the upper right corner of the page. sheets are numbered sequentially. When new sheets are added between sheets already in effect, a decimal is added (e.g. new sheet added between effective sheets 2 and 3 would be 2.1).

B. Sheet Revision Numbers Revision numbers also appear in the upper right corner of each page. These numbers are used to determine the most current sheet version on file with the M.P.S.C. For example, the 2nd revised Sheet No. 10, replaces 1st revised Sheet No. 10.

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MISSOURI PUBLIC SERVICE COMMISSION TARIFF NO. 1

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SECTION I RULES AND REGULATIONS

OCT 24 1996

1. Description of Services

MISSOURI
Public Service Commission

1.1 The services provided by FIVE STAR are the switched resell of its own network as well as other interexchange telecommunications providers, certified to operate within the state of Missouri.

1.2 The facilities of the Company will be available as soon as practicable upon receipt of an order and agreement from the Commission. The Company's services will be provided by other duly authorized and regulated communications common carriers.

1.3 When acting on the subscriber's request, as authorized agent, the Company will make reasonable efforts to arrange for service requirements or connection access.

1.4 To use Company's service, the Customer accesses the Company's system, the Customer's phone number, security code or account number is verified and the call is processed.

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SECTION I RULES AND REGULATIONS (Continued) OCT 24 1996

2. Application of Service

MISSOURI
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2.1 The Company requires a customer to sign an application and to establish credit, as a condition precedent to the initial establishment of service.

2.2 Company does not accept deposits or advanced payments.

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SECTION I RULES AND REGULATIONS (Continued)

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3. Use of Service

MISSOURI
Public Service Commission

3.1 Neither customer nor their authorized users may use the services furnished by Company for any unlawful purpose. Use and restoration of the service furnished by Company will be in accordance with the rules of the Missouri Public Service Commission.

3.2 The services offered herein may be used for the transmission of communications to or by the customer, or an authorized user.

3.3 Service may be arranged for joint/authorized use. The joint user which are authorized shall be permitted to use such service in the same manner as customer, but subject to the following:

3.3.1 One joint/authorized user must be designated as the customer. The designated customer does not necessarily have to have communications requirements of their own. The customer must specifically name all joint users to be authorized to use service, in the application for service.

3.3.2 All charges for the service will be computed as if the service were to be billed to one customer. The joint/authorized user which has been designated as the customer, will be billed for all components of the service and will be responsible for all payments to the Company. In the event that the designated customer fails to pay the Company, each joint/authorized user shall be liable to the Company for all charges incurred as a result of its use of the Company services.

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4. Terms and Conditions

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4.1 Service is provided and billed on the basis of a minimum period of at least one month, beginning on the date that billing becomes effective, and continues to be provided until cancelled, by the customer, orally or in writing, with no less than thirty (30) days notice.

4.2 Service is offered on a monthly basis, twenty-four (24) hours per day, seven days per week.

4.3 For the purpose of computing charges in this tariff, a month is considered to have thirty (30) days.

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SECTION I RULES AND REGULATIONS (Continued)

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5. Limitations

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Public Service Commission

5.1 Service is offered, subject to the availability of the necessary facilities and/or equipment, and subject to the provisions of this tariff.

5.2 Company reserves the right not to provide service to or from a customer where the necessary facilities or equipment are not available.

5.3 Company reserves the right to discontinue furnishing service, upon written notice, when necessitated by conditions beyond its control or when the customer is using the service in violation of the provisions of this tariff, or in violation of the law.

5.4 There are no limits on the number of calls placed or the length of individual calls.

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SECTION I RULES AND REGULATIONS (Continued)

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6. Liability

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6.1 Company shall be indemnified and held harmless by the customer against claims for libel, slander, or infringement of copyright arising out of the material, data, information, or other content transmitted over Company's channels.

6.2 Company is not liable for any act or omission of any other company or companies furnishing a portion of the service.

6.3 Company shall not be liable for any failure of performance due to causes beyond its reasonable control, including, but not limited to acts of God, fires, meteorological phenomena, floods, or other catastrophes; fiber or cable cuts, national emergencies, insurrections, riots or wars, strikes, lockouts, work stoppages or other labor difficulties, and any law, order, regulation or other action of any governing authority or agency thereof.

6.4 Company shall not be liable for:

6.4.1 unlawful use or use by an unauthorized person of Company's facilities and services.

6.4.2 any claim arising out of a breach in the privacy or security of communications transmitted over Company provided facilities.

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7. Interruption of Service

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7.1 It shall be the obligation of the customer to notify the Carrier of any interruption in service. Before giving such notice, the customer shall ascertain that the trouble is not being caused by any action or omission of the customer or is not in the wiring or equipment, if any, furnished by the customer which is connected to Carrier's facilities. Service outages should first be reported to the local exchange company to verify the outage is not due to service area difficulties.

7.2 For purposes of credit computation, every month shall be considered to have 720 hours.

7.3 No credit shall be allowed for an interruption of a continuous duration of less than two (2) hours.

7.4 The use and restoration of service shall be in accordance with the priority system specified in Part 64, Subpart D of the Rules and Regulations of the Federal Communications Commission.

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8. Payment Arrangements

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Public Service Commission

8.1 The customer is responsible for payment of all charges for services furnished. Recurring charges would be billed in advance, not to exceed one month in advance.

8.2 No installation charge shall be charged for establishing initial service.

8.3 Bills are payable upon receipt. Customer will be billed for all usage beginning immediately upon access to the service. Commencing thirty (30) days after rendition of the billing, it shall be considered past due and administrative costs, of 1% percent of the past due balance of the billing, will be applied.

8.4 A customer who discontinues service or whose service is cancelled by the company and/or in accordance with sections of this tariff, and wishes to reinstate service, may be subject to a reconnection charge of twenty five dollars (\$25.00).

8.5 If notice of a dispute as to charges is not received, in writing, by Company within thirty (30) days after an invoice is rendered, such invoice shall be deemed to be correct and binding upon the customer.

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SECTION I RULES AND REGULATIONS (Continued)

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8. Payment Arrangements(Continued)

MISSOURI
Public Service Commission

8.6 A charge of twenty dollars (\$20.00), will apply whenever a check or draft presented for payment of service is not accepted by the institution on which it is written.

8.7 Customer will be billed for, and is liable for, payment of all applicable federal, state, and local taxes, or other assessments including such amounts as Company may be authorized to pass through to the customer.

8.8 In certain instances, the customer may be subject to local telephone charges or message unit charges in using Company's service(s). Company is not responsible for any such local charges imposed directly on the customer by the local telephone company for gaining access to Company's leased facilities.

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9. Disconnection of Service

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Public Service Commission

9.1 Customer must give advance verbal or written notice for disconnection of any Company service. Company will have up to thirty (30) days to complete disconnection. The customer will be responsible for all charges for thirty (30) days or until the disconnection is effected, whichever is sooner. this thirty (30) day period will begin on the day of receipt of notice from the customer.

10. Termination of Service by Company

10.1 The Company, by five (5) "working" days written notice to the customer or applicant, may immediately cancel the application for or discontinue service without incurring any liability for any of the following reasons:

10.1.1 Customer's failure to pay sum due the Company for service, within forty-five (45) days of the date Company rendered its bill for such service. Written notice of no less than 5 days will be given to the customer in this type situation;

10.1.2 A violation of or failure to comply with any regulation governing the furnishing of service under this tariff.

10.1.3 An order of a court or other government authority having jurisdiction which prohibits the Company from furnishing service.

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SECTION I RULES AND REGULATIONS (Continued)

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Public Service Commission

11. Reconnection Fee for Service Disconnected for Non-payment

11.1 If a customer's service is disconnected for non-payment of a sum due, a one time charge of twenty five dollars (\$25.00), to reestablish service, will be charged to the customer.

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SECTION II - TECHNICAL TERMS AND DEFINITIONS

MISSOURI

Public Service Commission

1. Account Number A numerical code, one or more of which is assigned to each Customer to enable each Customer to access the Company's service. Account Numbers are used by the Company both to prevent unauthorized access and to identify the Customer for billing purposes.
2. Application for Service A standard order form which includes all pertinent billing, technical, and other description information which will enable Company to provide telecommunications services.
3. Authorized User A person, firm, corporation or other entity authorized by Company or Customer to receive or send communications.
4. BOC Bell Operating Company
5. Called Station Denotes the terminating point of a call (i.e., the called telephone number).
6. Calling Card A billing arrangement by which the charge for a call may be billed to a Company-issued calling card number.
7. Carrier Recognized Holidays Company recognizes the following holidays: New Year's Day, July 4th, Thanksgiving Day, and Christmas Day. The rate applicable for these holidays would be evening rates unless lower rates would normally apply.
8. Commission The Missouri Public Service Commission
9. Company FIVE STAR TELECOM, INC. or FIVE STAR

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SECTION II - TECHNICAL TERMS AND DEFINITIONS (Continued)

10. Company Services All intrastate services are available on a full time basis twenty four (24) hours a day, seven days per week.
11. Customer The person, firm, partnership, corporation, or other entity which subscribes, orders or uses services and is responsible for the payment of charges and compliance with tariff regulations.
12. Customer Calling Card Station The payment arrangement which enables the end user to bill calls to an authorized company calling card.
13. DS-1 A high digital communications service with a transmission rate of 1.544 million bits per second, or the equivalent of 24-voice channels transmitting at 64 thousand bits per second each.
14. Dedicated Access A special access line from customer premise to the Local Exchange Company.
15. End User Any person, firm, partnership, corporation, or other entity whose furnished telecommunications services are under the provisions and regulations of Company's tariff.
16. FGB Access Feature Group B Access. 950-XXXX dialing procedures.
17. FGD Access Feature Group D Access. 10XXX one plus dialing procedures.

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Public Service Commission

SECTION II - TECHNICAL TERMS AND DEFINITIONS (Continued)

18. Fixed Discount A pricing concept which rewards large users regardless of their specific usage amount.
19. Installation The connection of a circuit, dedicated access line, or port for new or additional service.
20. Intrastate Call Any call which originates and terminates within the state of Missouri.
21. Interstate Call Any call which originates within the state of Missouri and terminates outside of the state.
22. LATA Local Access Transport Area
23. Local Exchange Carrier A company which furnishes exchange telephone services.
24. Processing Fee A fee which Company may charge a Customer on a one-time basis to cover the cost of processing the Customer's initial service application.
25. Rate Center A geographic location from which the vertical and horizontal coordinates are used in calculation of airline mileage.
26. Rate Periods For all purposes of this tariff, the following rate period definitions shall apply:

DAY 8AM to 5PM* Monday through Friday
EVENING 5PM to 11PM* Monday through Friday
NIGHT 11PM to 8AM* all days
All days Saturday and Sunday
* To but not inclusive

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TO-2002-19
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SECTION II - TECHNICAL TERMS AND DEFINITIONS (Continued) MISSOURI
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27. Special Access A special access line from customer premise to Local Exchange Company.
28. Station Any location from which long distance calls may be placed or received.
29. Subscriber Same definition as Customer
30. Travel Card A service available to Company subscribers enabling subscribers to access Company's network while in or away from their calling area. The security of the Travel Card is the responsibility of the customer. Customer is responsible for all calls made using their Travel Card.
31. Volume Discount A pricing concept which rewards volume users.

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SECTION III - DESCRIPTION OF SERVICE

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1. General Description of Service

MISSOURI
Public Service Commission

1.1 For purpose of this tariff, the service provided by Company is the switched resale of interLATA and intraLATA, long distance telecommunications services, using services of other certified carriers, certified to operate in the state of Missouri.

1.2 Company offers its services subject to the provisions of this tariff.

1.3 Company's services are offered to customer on a monthly basis.

1.4 Company's services are offered to customers twenty-four (24) hours per day, seven (7) days per week.

1.5 All service shall remain in effect for a minimum of thirty (30) days.

1.6 Company offers its services subject to the availability of the necessary facilities and/or equipment. Company reserves the right to refuse to provide service to or from any location where the necessary facilities and/or equipment are not available.

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2. Calculation of Charges and DistanceMISSOURI
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2.1 Usage charges are based on the actual usage of Company's leased facilities.

2.2 Charges for Company's services are based on the distance and duration of the call, monthly usage, and the rate period (Day, Evening, Night/Weekend) when the call is placed.

2.3 Usage charges for all mileage sensitive products are based on the airline distance between rate centers associated with the originating and terminating points of the call. For the purpose of determining airline mileage, vertical and horizontal grid lines have been established across the United States and Canada. The spacing between horizontal grid lines represents a distance of one coordinate unit. This unit is the square root of 0.1, expressed in statute miles. A vertical (V) and a horizontal (H) coordinate is computed for each local exchange company primary serving office or servicing office for determining airline mileage, at a particular intersection of an established vertical grid line with an established horizontal grid line. The distance between any two primary serving offices is the airline mileage which is computed as follows:

FORMULA:

$$\frac{\sqrt{(V_1 - V_2)^2} + \sqrt{(H_1 - H_2)^2}}{10}$$

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3. Service Offerings

3.1 Minimum Call Completion Rate

A customer can expect a call completion rate (98%) (number of calls completed/number of calls attempted) of not less than 98% during peak use periods for all FGD services ("1+" dialing).

3.2 Service Offerings

3.2.1 Star I

Star I is a flat rate, direct access, inter/intrastate service designated for the customer with less than \$2000 of monthly long distance usage.

3.2.2 Star II

Star II is a dial-up service designated for the small customer with no premise facilities whose service is gained through equal access by picking Five Star Telecom, Inc.'s as their long distance carrier.

3.2.3 StarWATS

StarWATS is a direct access, usage sensitive WATS offering requiring a dedicated access line for the customer to use this service. This is an outbound service only; no incoming calls will terminate over the dedicated lines use for this service.

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3.2.4 Star 800

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Star 800 service is a direct access, incoming only, usage sensitive WATS offering requiring a dedicated access line for use. This is a service whereby a customer can be billed at reduced rates for calls to his premises.

3.2.5 Star 800 Plus

Star 800 Plus is a 800 service provided to customers by use of their existing long distance phone service without any other equipment or dedicated service.

3.2.6 Star I Travel Service

This service allow the customer to call an 800 access number and authorization code to gain access to The Company's network from anywhere in the Continental United States.

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SECTION 4 - RATES

4.1 Star I

First	Add'l
<u>Min.</u>	<u>Min.</u>
\$.19	\$.19

Monthly minimum usage: \$2,000

Installation Fee: none

Monthly recurring charge: none

Calls are rounded to the next higher 1/10 minute for billing purposes.

4.2 Star II

First	Add'l
<u>Min.</u>	<u>Min.</u>
\$.20	\$.20

Installation Fee: none

Monthly recurring charge: none

Calls are rounded to the next higher 1/10 minute.

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4.3 StarWATS

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First	Add'l
<u>Min. Day</u>	<u>Min. Day</u>
.15	.15
First	Add'l
<u>Min. Night</u>	<u>Min. Night</u>
.14	.14

Rates are per minute.

Installation Charge: \$250 plus dedicated line(s).

Monthly Recurring Charge: \$5.00

Calls are rounded to the next higher 1/10 minute.

4.4 Star 800

First	Add'l
<u>Min. Day</u>	<u>Min. Day</u>
\$.15	.15
First	Add'l
<u>Min. Night</u>	<u>Min. Night</u>
\$.14	\$.14

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4.5 Star Travel Service

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\$.50 Surcharge per call
\$.20 minute flat rate

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4.6 Star 800 Plus

\$.20 min. flat rate
\$5.00 monthly minimum charge

4.7 Special Promotions

The company will, from time to time, offer special promotions to its customers waiving certain charges. These promotions will be approved by the MPSC with specific starting and ending dates and under no circumstances run for longer than 90 days in any 12 month period.

4.8 Directory Assistance

\$.55 per call Interstate Requests

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SECTION 4 - RATES
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4.9 Special Rates For The Handicapped

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4.9.1 Directory Assistance

There shall be no charge for up to fifty calls per billing cycle from lines or trunks serving individuals with disabilities. The Company shall charge the prevailing tariff rates for every call in excess of 50 within a billing cycle.

4.9.2 Hearing and Speech Impaired Persons

Intrastate toll message rates for TDD users shall be evening rates for daytime calls and night rates for evening and night calls.

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