

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
March 2, 1999

CASE NO: TA-99-310

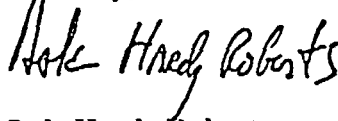
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Enclosed find certified copy of ORDER in the above-numbered case(s).

Sincerely,



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Uncertified Copy:

James K. Kalishman
Harcourt Telco, L.L.C.
8020 Daytona Drive
Clayton, MO 63105

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of)	
Harcourt Telco, L.L.C. for a Certificate)	
of Public Convenience and Necessity in the)	
State of Missouri for the Purpose of)	
Providing Facilities Based Data High Speed)	<u>Case No. TA-99-310</u>
Communications Technologies for Non-Basic,)	<u>Tariff No. 9900526</u>
Non-Switched, Local Exchange Services and)	
Interexchange Services (Intralata and)	
Interlata Toll).)	

ORDER APPROVING INTEREXCHANGE AND NON-SWITCHED LOCAL EXCHANGE
CERTIFICATES OF SERVICE AUTHORITY AND ORDER APPROVING TARIFF

Harcourt Telco, L.L.C. (Harcourt) applied to the Commission on January 22, 1999 for certificates of service authority to provide non-basic, non-switched, local competitive telecommunications and to provide interexchange (intraLATA and interLATA toll) digital communication services to customers in Missouri under Sections 392.410-.450, RSMo 1994 and RSMo Supp. 1997¹. Harcourt 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. Harcourt is a Missouri Limited Liability Corporation, with its principal office located at 8020 Daytona Drive, Clayton, Missouri 63105.

The Commission issued a Notice of Applications and Opportunity to Intervene on February 2, 1999, directing parties wishing to intervene

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

to file their requests by February 17, 1999. 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. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989). Since no one asked permission to intervene or requested a hearing, the Commission may grant the relief requested based on the verified application.

Harcourt filed a proposed tariff in conjunction with its application and filed substitute sheets on February 3, 1999 and on February 16, 1999. The tariff's effective date is March 8, 1999. Harcourt's tariff describes the rates, rules, and regulations it intends to use, identifies Harcourt as a competitive company, and lists the waivers requested. Harcourt intends to provide non-basic, non-switched, local competitive telecommunications and to provide interexchange digital communication services. Harcourt has no plans to offer voice services.

In its Memorandum filed on February 24, 1999, the Staff of the Missouri Public Service Commission (Staff) recommended that the Commission grant Harcourt a certificate to provide interexchange telecommunications services and a certificate to provide local exchange telecommunications services on the condition that local exchange authority should be restricted to providing dedicated, private line services. Staff recommended that the Commission grant Harcourt: (a) competitive classification, (b) approval of Harcourt's proposed tariff, P.S.C. Mo. No. 1, with a proposed effective date of March 8, 1999, and

(c) waiver of the statutes and rules listed on substitute sheet three of Harcourt's proposed tariff. In its application, Harcourt also requested waiver of the following regulations:

4 CSR 240-32.050(3-6)	Operator and Directory Assistance
4 CSR 240-32.070(4)	Coin Telephones
4 CSR 240-32.100(2)(A)	Individual Line Service
4 CSR 240-32-200(2)(B)	Dual Tone Multifrequency Signaling
4 CSR 240-32.100(2)(C)	Enhanced 911 Emergency Service
4 CSR 240-32.100(2)(G)	Dialing Parity

Staff indicated that after discussion with Harcourt, they agreed that the private line/data services provided by Harcourt will not use these services and that therefore the requested waivers are not needed. Staff recommended that the Commission only approve the standard waivers listed. Finally, Staff recommended that the Commission approve the proposed tariff as amended to become effective on March 8, 1999.

Harcourt also asked for the following nonstandard waivers: Section 392.210.2 - System of Accounts; Section 392.300.2 - Acquisition of Stocks; and 4 CSR 240-35 - Reporting of Bypass, etc. Harcourt did not ask for the following standard waivers: 4 CSR 240-32.030(2) - Keeping records in the state and 4 CSR 240-33.040(5) - Nonassessment of finance charges for late pay, etc.

The Commission finds that competition in the intrastate interexchange and non-switched local exchange telecommunications markets is in the public interest and Harcourt should be granted certificates of service authority. The Commission finds that the services Harcourt proposes to offer are competitive and Harcourt should be classified as

a competitive company. The Commission finds that waiving the statutes and Commission rules set out in the ordered paragraph below is reasonable and not detrimental to the public interest.

The Commission finds that Harcourt's proposed tariff details the services, equipment, and pricing it proposes to offer. The Commission finds that the proposed tariff filed on January 22, 1999 shall be approved as amended to become effective on March 8, 1999.

IT IS THEREFORE ORDERED:

1. That Harcourt Telco, L.L.C. is granted a certificate of service authority to provide intrastate interexchange telecommunications services in Missouri, subject to the conditions of certification set out above.

2. That Harcourt Telco, L.L.C. is granted a certificate of service authority to provide local exchange telecommunications services in Missouri limited to providing dedicated, private line services, subject to all applicable statutes and Commission rules except as specified in this order.

3. That Harcourt Telco, L.L.C. is classified as a competitive telecommunications company. Application of the following statutes and regulatory rules shall be waived:

Statutes

- 392.210.2 - system of accounts
- 392.240(1) - ratemaking
- 392.270 - valuation of property (ratemaking)
- 392.280 - depreciation accounts
- 392.290 - issuance of securities
- 392.300.2 - stock ownership and sale
- 392.310 - stock and debt issuance
- 392.320 - stock dividend payment
- 392.340 - reorganization(s)
- 392.330, RSMo Supp. 1997- 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 240-32.050(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 240-35 | - Bypass |

4. That the tariff filed by Harcourt Telco, L.L.C. on January 22, 1999, with substitute sheets filed February 3, 1999 and February 16, 1999, tariff file number 9900526, is approved as amended to become effective on March 8, 1999. The tariff approved is:

P.S.C. Mo. No. 1

5. That this order shall become effective on March 8, 1999.

6. That this case may be closed on March 9, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Bill Hopkins, Senior Regulatory Law Judge,
by delegation of authority pursuant to
4 CSR 240-2.120(1), (November 30, 1995)
and Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 2nd day of March, 1999.

ALJ/Sec'y: Hopkins/Bayer

3-1 3-4
Date Circulated Return by 3 p.m.

TH-99-310
CASE NO.

JS
Lumpke, Clerk
CR
Crumpton, Commissioner
Murray, Commissioner
JS
Schemenauer, Commissioner
JS
Drainer, Vice-Chair

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 2ND day of MARCH, 1999.

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge