

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY

June 19, 1992

CASE NO. TA-92-301

Donald C. Otto, Jr., Hendren and Andrae. Attorney at Law, P.O. Box 1069,
235 East High Street, Jefferson City, Mo 65102

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

Sincerely,

Brent Stewart

Brent Stewart
Executive Secretary

Uncertified Copy:

Office of the Public Counsel, P.O. Box 7800, Jefferson City, MO 65102
Jeffrey L. Bailey, Senior Vice President, Phoenix Network, Inc., One Maritime
Plaza, Suite 2525, San Francisco, CA 94111
All Interexchange and Local Exchange Providers

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 19th
day of June, 1992.

In the matter of the application of Phoenix)
Network, Inc., d/b/a Office Depot)
Communications, for a certificate of)
service to provide intrastate interLATA)
telecommunications services.)

CASE NO. TA-92-301

ORDER AND NOTICE

On June 9, 1992, Phoenix Network, Inc., d/b/a Office Depot Communications (Applicant or Company) filed an application for a certificate of service authority authorizing Applicant to provide competitive intrastate interexchange telecommunication services within the state of Missouri and to waive compliance with various statutes and Commission rules set out below. Applicant seeks its certificate, classification, and waivers pursuant to Sections 392.440 and 392.361, RSMo.¹

Applicant seeks to waive compliance with the following:

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, debt 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 240-30.060(5)(B)
through (0) - records re: ratemaking
- 4 CSR 240-32.030(1)(B) - exchange boundary maps
- 4 CSR 240-32.030(1)(C) - record keeping

¹All statutory citations are to RSMo Supp. 1991.

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

Section 392.440, RSMo, requires that the Commission approve a certificate for the resale of interexchange telecommunication services upon a showing by the Applicant and a finding by the Commission that the grant of authority is in the public interest. Pursuant to this statutory requirement, the Commission will require an Applicant to: (1) submit information sufficient to demonstrate its financial ability to provide the proposed services; (2) submit a brief description of where and what type of service it proposes to provide; and (3) demonstrate its willingness and ability to comply with all terms and conditions the Commission may lawfully impose, and applicable Commission rules and regulations. If an Applicant is found to be fit pursuant to those three provisions, then the Commission will assume, pursuant to the guidelines set forth in Section 392.530, RSMo, that additional competition in the interLATA and intraLATA toll markets is in the public interest and a certificate of service authority will be issued.

Since Applicant has also applied for competitive status pursuant to Section 392.361, RSMo, Applicant must demonstrate whether its interexchange services are the same or different from those recently classified by the Commission 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* (1989). Applicant must also demonstrate that all its telecommunication services are competitive services, and that waiving the requested statutes and regulations is consistent with the protection of ratepayers and the public interest, as required by Section 392.361, RSMo.

The Commission is of the opinion that proper parties should be given an opportunity to intervene in this matter. A proper party shall be defined as any party who desires to contest the financial fitness of the Applicant or the competitiveness of its services. Applications to intervene on these limited issues should be submitted to the Executive Secretary of the Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri 65102, and copies sent to:

Donald C. Otto, Jr.
Hendren and Andrae
Attorneys at Law
235 East High Street
P.O. Box 1069
Jefferson City, Missouri 65102

The Executive Secretary of the Commission shall send a copy of this order to any persons or entities known to the Telecommunications Department of the Public Service Commission to be rendering identical or similar services within the service area proposed by this application, as well as to each telephone company rendering local exchange service in Missouri.

In the event no proper party files an application to intervene in this matter on or before July 20, 1992, and neither the Commission's Staff nor the Office of Public Counsel requests a hearing, the Commission will allow Applicant to submit evidence in support of its application by the verified application.

IT IS THEREFORE ORDERED:

1. That any interested party wishing to intervene in Case No. TA-92-301 shall file an application to intervene with the Executive Secretary of the Missouri Public Service Commission and serve a copy on Applicant's representative on or before July 20, 1992.

2. That the Executive Secretary of the Commission be directed to send notice as herein stated.

3. That this order shall become effective on the date hereof.

BY THE COMMISSION

Brent Stewart

Brent Stewart
Executive Secretary

(S E A L)

McClure, Chm., Mueller, Rauch
Perkins and Kincheloe, CC., Concur.

Jeff / Hanson

CASE NO. TA-92-301

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Chairman

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Commissioner

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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 19th
day of June, 1992

Brent Stewart

Brent Stewart
Executive Secretary