

Before the Public Service Commission  
State of Missouri

In the Matter of the Application )  
Of Mark Twain Communications )  
Company for a nunc pro tunc )  
Order Specifying the Service Area )  
Of Mark Twain Communications, )  
And redefining the Service Area of )  
Spectra Communications for )  
Purposes of Mark Twain's )  
ETC Service Area and Federal )  
Universal Service Support Pursuant )  
To Section 254 of the Telecommuni- )  
cations Act of 1996. )

Case No. \_\_\_\_\_

**Application of Mark Twain Communications Company**  
**for Nunc Pro Tunc Order**  
**Specifying Service Area of Mark Twain Communications,**  
**for an Order**  
**Redefining the Service Area Of Spectra Communications Group, LLC, for**  
**Purposes of Mark Twain's ETC Service Area,**  
**and for an Order Granting Mark Twain Authority to File Such Order**  
**Redefining the Study Area with the FCC for the FCC's Consideration**

Comes now Mark Twain Communications Company (Mark Twain) and hereby  
requests that the Commission provide the following relief:

**Relief Requested:**

Mark Twain requests that the June 15, 2000 Order in TA-2000-591 granting Mark Twain ETC Status be corrected nunc pro tunc to specify that the service area for which Mark Twain was designated an Eligible Telecommunications Carrier ("ETC") status consists of the Missouri exchanges of Ewing, La Belle, and Lewiston. "Nunc pro tunc" is a Latin phrase meaning "now for then". Nunc pro tunc orders are available to the Commission. They are used to correct a mistake, oversight, or clerical error in the

original order to conform it to the judgment actually intended to be entered, but which was accurately recorded. This is an appropriate Order to follow to make the correction requested herein.

Mark Twain requests that the Commission determine that the Study Area of Spectra Communications Group, LLC should be redefined for the purpose of Mark Twain's ETC designated service area pursuant to 47 U.S.C 214(e)(5) and 47 C.F.R. 54.207.

Mark Twain also seeks this Commission's authorization to file This Commission's Order redefining the Spectra study area for purposes of establishing Mark Twain's service area with the Federal Communications Commission ("FCC") pursuant to 47 U.S.C 214(e)(5) and 47 C.F.R. 54.207.

In support hereof, Mark Twain states as follows:

1. Mark Twain is a competitive local exchange carrier ("CLEC") certified by the Commission to provide basic local telecommunications services in the State of Missouri in Case No. TA-98-305.

2. Mark Twain's street address and principal place of business is P.O. Box 68, Highway 6 East, Hurdland, Missouri, 63547.

3. All Correspondence, pleadings, notices, orders, and decisions in this matter should be addressed to:

William Rohde  
General Manager and Exec V.P.  
P.O. Box 128  
Hurdland, MO 63547  
(660) 423-5211  
(660) 423-5496 FAX  
[gm@marktwain.coop](mailto:gm@marktwain.coop)

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4. Mark Twain is a competitive local exchange carrier that has been providing local services in the Northeast Missouri exchanges of Ewing, LaBelle, and Lewistown since 1997. Mark Twain is also a competitive eligible telecommunications carrier (ETC) providing the services supported by the federal universal service fund. Mark Twain has received federal universal service support for such services provided in 2000 and thereafter.

5. It has been brought to Mark Twain's attention by the Universal Service Administrative Company ("USAC") that the Commission's June 15, 2000 Order designating Mark Twain as an ETC did not specify the service area for which it designated Mark Twain as an ETC, as is required by 47 CFR 54.201(b).

6. In its March 22, 2000 Application for ETC Designation, docket TA-2000-591, Mark Twain in paragraph 1 specified that its service area consisted of three Northeast Missouri exchanges, Ewing, La Belle, and Lewistown.

7. There were no interventions or requests for hearing in opposition to granting Mark Twain's ETC application.

8. In its Staff Recommendation of May, 16, 2000 in TA-2000-591, paragraph 3, Staff recommended the Commission "grant Mark Twain designation as an eligible telecommunications carrier for the purposes of receiving federal universal service support in its service area consisting of the Ewin[g], LaBelle, and Lewiston exchanges."

9. The Commission's June 15, 2000 Order granting Mark Twain's Application for ETC designation indicated the Application and Staff Recommendation had been reviewed, and based on that review the Commission granted "the relief requested in Mark Twain's application."

10. The June 15 Order issued by the Commission did not explicitly describe the service area for which it designated Mark Twain as an ETC. This Order was the Missouri Commission's first competitive ETC designation order, and it is understandable that the Order failed to specify the service area.<sup>1</sup>

11. After the June 15, 2000 Order, Mark Twain made application with the federal Universal Service Fund for USF support. Mark Twain's application for USF support, and the support it received, was for the provision of service in the Missouri exchanges of Ewing, La Belle, and Lewistown.

12. Since June 15, 2000 Mark Twain has provided services only in the Ewing, La Belle, and Lewistown exchanges.

13. Mark Twain received federal high cost loop support for the three exchanges from July of 2002 until July 2003 when USAC discontinued payment. After interrupting these payments, USAC determined that support for the Ewing and Lewistown exchanges was conditioned upon this Commission and the FCC both taking the appropriate action to redefine the service area pursuant to 47 C.F.R. 207. According to USAC, this is required because the owner of the ILEC exchanges at the time, was a rural telephone company. USAC is withholding further payment pending the result of further proceedings before This Commission and the FCC.

14. Mark Twain requests that this Commission enter an Order redefining the Study Area of Spectra to be these three exchanges of Ewing, La Belle, and Lewistown for purposes of designating Mark Twain's ETC service area. Such an Order will not affect

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<sup>1</sup> GTE, the purported owner of the exchanges at the time, was then in the process of obtaining regulatory approval to sell these exchanges, and others, to Spectra.

Spectra's study area for purposes of Spectra's federal USF support. Mark Twain's receipt of federal USF support does not affect the level of Spectra's USF support.

15. Mark Twain also requests that such Order grant Mark Twain the authority to file such Order redefining the study area with the FCC for the FCC's consideration in accordance with 47 U.S.C 214(e)(5) and 47 C.F.R. 54.207.

16. Applicant does not have any pending action, or final unsatisfied judgment or decisions against it from any state or federal agency or court which involves customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of the application.

17. Applicant does not have any annual reports or assessment fees that are overdue.

WHEREFORE, in consideration of the above, Mark Twain respectfully requests that the Commission revise, nunc pro tunc, its June 15, 2000 ETC Order in TA-2000-591 to specify Mark Twain's service area consisted of these three exchanges, for an Order to redefine Spectra's study area for purposes of Mark Twain's ETC designated service area, and for authorization to file said order with the FCC for its consideration thereof.



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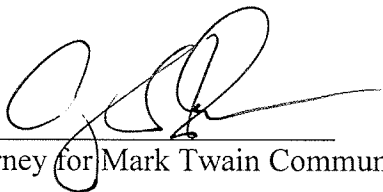
Attorney for Mark Twain  
Communications

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that a true and accurate copy of the foregoing was electronically mailed, this 31 day of August, 2005, to the following parties to:


General Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

Lewis Mills  
Office of the Public Counsel  
P.O. Box 7800  
Jefferson City, MO 65102

  
\_\_\_\_\_  
Attorney for Mark Twain Communications

**VERIFICATION**

I, William Rohde, having been duly sworn upon my oath, state that I am General Manager and Executive Vice President of Mark Twain Communications Company, the Applicant, and am authorized by the Applicant to execute the foregoing Application and to make this Affidavit on its behalf, and that the matters and things stated in the foregoing Application are true and correct to the best of my knowledge, information and belief.

  
\_\_\_\_\_  
William Rohde

STATE OF MISSOURI     )  
                                      )  
COUNTY OF             )

Subscribed and sworn to me, a Notary Public, on this 31<sup>st</sup> day of August, 2005.

  
\_\_\_\_\_  
Notary Public

RICHARD L. HALE  
Notary Public - State of Missouri  
Adair County

My commission expires \_\_\_\_\_  
My Commission Expires: May 31, 2008