

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED³

FEB 19 2004

Missouri Public
Service Commission

In the Matter of the Application of Green)
Hills Area Cellular Telephone, Inc. d/b/a)
Green Hills Telecommunications Services)
for Designation as a Telecommunications)
Company Carrier Eligible for Federal)
Universal Service Support Pursuant to)
Section 254 of the Telecommunications)
Act of 1996.)

Case No. CO-2003-0162

STAFF SUGGESTIONS IN SUPPORT OF STIPULATION AND AGREEMENT

COMES NOW the Staff of the Missouri Public Service Commission and for its suggestions states:

1. On October 31, 2002, Green Hills Area Cellular Telephone, Inc. d/b/a Green Hills Telecommunications Services (GHTS) filed its application for designation as an eligible telecommunications carrier with respect to Federal Universal Service support pursuant to Section 254 of the Telecommunications Act of 1996, codified at 47 U.S.C. Section 254, and the implementing regulations of the Federal Communications Commission.

2. On November 14, 2002, the Office of the Public Counsel (Public Counsel) filed a motion requesting an evidentiary hearing in this matter.

3. On December 3, 2002, the Missouri Independent Telephone Group (MITG) filed an Application to Intervene.

4. On December 10, 2002, the Staff recommended that the Commission approve GHTS's application for designation as a telecommunications company carrier eligible for

Exhibit No. 16
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Federal Universal Service support and deny Public Counsel's motion requesting an evidentiary hearing.

5. On January 9, 2003, GHTS, Public Counsel, MITG, and Staff filed a Stipulation and Agreement recommending that the Commission designate GHTS as a telecommunications carrier eligible under the provisions of 47 CFR 54.201(d) to receive Federal Universal Service support in the Norborne exchange.

6. The Stipulation and Agreement neither adds nor subtracts from the Staff's recommendation that GHTS should be designated as an eligible telecommunications carrier in the Norborne exchange. Paragraph 15 of the Stipulation and Agreement provides, in part:

In the event that the Commission accepts the specific terms of this Stipulation and Agreement, the parties and participants waive, with respect to the issues resolved herein, their respective rights pursuant to §§ 536.070(2) and 536.080.1, RSMo 2000, to present testimony, to cross-examine witnesses, to present oral argument or written briefs, their respective rights to the reading of the transcript by the Commission pursuant to § 536.080.2, RSMo 2000, and their respective rights to seek rehearing pursuant to § 386.500, RSMo 2000, and their respective rights to seek judicial review pursuant to § 386.510, RSMo 2000.

In the Staff's view, this provision disposes of without deciding Public Counsel's claim that it is entitled to a hearing where there is no dispute.¹

WHEREFORE, for the reasons stated in Staff's Response To Public Counsel's Motion For Evidentiary Hearing And Staff's Recommendation, filed on December 10, 2002, the Staff recommends that the Commission approve GHTS's application for designation as a telecommunications company carrier eligible for Federal Universal Service support in the Norborne exchange.

¹ Public Counsel's Reply To Staff's Recommendation And The Company's Response, filed on December 20, 2002, reads in part, at paragraph 6, "Public Counsel is willing to enter into a Stipulation of Facts that would allow the PSC

Respectfully submitted,

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General Counsel

/s/ William K. Haas

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or emailed to all counsel of record this 16th day of January 2003.

/s/ William K. Haas

to make the findings needed for Green Hills to be designated an ETC. Public Counsel states that it does not have any information that would defeat the requested application.”