

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of Spectra Communications Group,)	
LLC d/b/a CenturyTel's Request for Competitive)	<u>Case No. IO-2006-0108</u>
Classification Pursuant to Section 392.245.5,)	
RSMo (2005))	

DISSENTING OPINION OF COMMISSIONER ROBERT M. CLAYTON III

This Commissioner respectfully dissents from the majority Report and Order granting competitive classification to the applicant in the requested residential and business exchanges. The protections afforded by the Public Service Commission will no longer be present for the customers of the ILEC in these exchanges as competition is presumed to provide a sufficient level of pricing restraint. This Commissioner has issued a number of opinions expressing concerns regarding an adequate level of presence in accordance with the statute. For the sake of brevity, the complete analysis will not be restated here as a review of those other opinions can be found in other cases.¹

The communities at issue in this case are in rural parts of the state and are quite small compared to many of the exchanges that have been competitively classified. For example, three of the exchanges are located in Lewis County and none is larger than LaBelle with its population

¹ See, *In Re Sprint*, Case No. IO-2006-0092, Opinion of Commissioner Clayton, Concurring, in part, and Dissenting, in part; *In Re SBC*, Case No. TO-2006-0093; Opinion of Commissioner Clayton, Dissenting, in part, and Concurring in part; *In Re Centurytel*, Case No. IO-2006-0109, Report and Order, Opinion of Commissioner Clayton, Concurring, in part and Dissenting, in part; *In Re CenturyTel*, Case No. IO-2006-0316, Opinion of Commissioners Clayton, Dissenting, in part, and Concurring, in part; *In Re Spectra*, Case No. IO-2006-0317, Opinion of Commissioners Clayton and Gaw, Dissenting, in part, and Concurring, in part; *In Re Sprint*, Case No. TO-2006-0375, Concurring Opinion of Commissioners Clayton and Gaw.

of 669.² Macon is the largest town included in the applicant's request with a population of 5,538³ and Savannah has a total population of 4,762.⁴

This Commissioner is not satisfied that the statutory definition has been met with regard to wireless service in Ewing, La Belle, Lewistown, and Savannah. Generally, fewer services are available in smaller communities. The applicant has cited a number of wireless companies as actively serving the communities. However, the evidence reflects that a customer in Lewistown must travel to another community like Kirksville, Hannibal or Macon to get a wireless phone. In addition, the wireless service that he or she would receive would be using a phone number from that other community. Lewistown residents trying to call their wireless customer neighbor would have to call a long distance phone number. This Commissioner has argued that such a requirement is an example of why the wireless service in these communities is not a comparable service to claim that competition has arrived in this community. This Commissioner believes that the legislature intended for Lewistown wireline customers to be able to make a local call to the wireless customer rather than dial another exchange and potentially another area code.

This Commissioner agrees with the majority regarding the Macon exchange. The record clearly indicated that wireline and wireless service with access to local numbers were available in that exchange and that the competitors were serving customers.

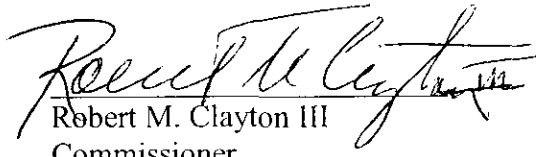
For the foregoing reasons, this Commissioner dissents.

² U.S. Census Bureau; 2000.

³ U.S. Census Bureau; 2000.

⁴ U.S. Census. Bureau; 2000.

Respectfully Submitted



Robert M. Clayton III
Commissioner

Dated at Jefferson City, Missouri,
on this 21st day of July, 2006.