

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

In the Matter of the Notice of Election of)
ALLTEL Missouri, Inc., to be Price Cap)
Regulated under Section 392.245, RSMo)
2000)

Case No. IO-2002-1083

Initial Brief of Staff

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

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Introduction

On May 17, 2002, ALLTEL Missouri, Inc. (ALLTEL) provided the Commission with written notice of its election to be price cap regulated under Section 392.245 RSMo 2000. On June 6, 2002, the Staff of the Missouri Public Service Commission filed a motion requesting the Commission to reject ALLTEL's notice of price cap election as being invalid.

ALLTEL is a small incumbent local exchange telecommunications company (ILEC).

Section 392.245 provides in pertinent part:

2. A large incumbent local exchange telecommunications company shall be subject to regulation under this section upon a determination by the commission that an alternative local exchange telecommunications company has been certified to provide basic local telecommunications service and is providing such service in any part of the large incumbent company's service area. A small incumbent local exchange telecommunications company may elect to be regulated under this section upon providing written notice to the commission if an alternative local exchange telecommunications company has been certified to provide basic local telecommunications service and is providing such service in any part of the small incumbent company's service area, and the incumbent company shall remain subject to regulation under this section after such election. (Emphasis added.)

Thus, the question posed is whether an alternative local exchange telecommunications company (ALEC) has been certified to provide basic local telecommunications service and is

providing such service in any part of ALLTEL's service area. As will be explained below, the ALECs that have been certified to provide basic local telecommunications service in ALLTEL's service area are "not" providing such service.

Statement of Facts

1. ALLTEL is a small incumbent local exchange telecommunications company. (Stipulation of Facts, para. 1)

2. Universal Telecom, Inc. (Universal) is an alternative local exchange telecommunications company certified to provide basic local telecommunications service in ALLTEL's service area. (Stipulation of Facts, para. 3-4)

3. At the time of ALLTEL's notice of price cap election, Universal provided telecommunications service to customers within ALLTEL's service area, pursuant to its lawfully approved tariff. (Stipulation of Facts, para. 6)

4. Universal provides "two-way switched voice service within a local calling scope as determined by the commission" comprised of the following services:

(a) Multiparty, single line, including installation, touchtone dialing and any applicable mileage or zone charges.

(b) Access to local emergency services including, but not limited to, 911 service established by local authorities.

(c) Standard intercept service.

(d) One standard white pages directory listing.

Universal does not provide:

(a) Assistance programs for installation of, or access to, basic local telecommunications services for qualifying economically disadvantaged or disabled customers or both, including, but

not limited to, lifeline services and link-up Missouri services for low-income customers or dual-party relay service for the hearing impaired or speech impaired.

- (b) Access to basic local operator services.
- (c) Access to basic local directory assistance.
- (d) Equal access to interexchange carriers consistent with rules and regulations of the Federal Communications Commission.
- (e) Equal access in the sense of dialing parity and presubscription among interexchange telecommunications companies for calling within and between local access and transport areas (intraLATA and interLATA presubscription). (Stipulation of Facts, para. 7)

5. Universal is a prepaid reseller. (Tariff Sheet No. 17, Appendix A). Universal's resold local telephone service is provided by an underlying carrier. (Tariff Sheet No. 39, Appendix A). Universal's monthly residential line charge is \$49.00 (Tariff Sheet No. 46, Appendix A). Universal's rates do not include taxes, Relay Missouri surcharge, E-911 surcharges, and franchise fees. (Tariff Sheet No. 28, Appendix A). Prepayment in full is due at least 30 days in advance of the period for which the prepayment is made. (Tariff Sheet No. 28, Appendix A).¹

6. Missouri State Discount Telephone (MSDT) is an alternative local exchange telecommunications company certified to provide basic local telecommunications service in ALLTEL's service area. (Stipulation of Facts, para. 9-10).

7. At the time of ALLTEL's notice of price cap election, MSDT provided telecommunications service to customers within ALLTEL's service area, pursuant to its lawfully approved tariff. (Stipulation of Facts, para. 11)

¹ The parties have agreed that the Commission may take official notice of Commission rules, tariffs, orders, and any other information contained in a document on filed as a public record with the Commission in its decisions in this case, subject to the relevance and materiality provisions of 4 CSR 240-2.130 (2). (Stipulation of Facts, para. 13)

8. MSDT provides “two way switched voice service within a local calling scope as determined by the commission” comprised of the following services:

- (a) Multiparty, single line, including installation, touchtone dialing and any applicable mileage or zone charges.
- (b) Access to local emergency services including, but not limited to, 911 service established by local authorities.
- (c) Standard intercept service.
- (d) One standard white pages directory listing.

MSDT does not provide:

- (a) Assistance programs for installation of, or access to, basic local telecommunications services for qualifying economically disadvantage or disable customers or both, including, but not limited to, lifeline services and link-up Missouri services for low-income customers or dual-party relay service for the hearing impaired or speech impaired.
- (b) Access to basic local operator services.
- (c) Access to basic local directory assistance.
- (d) Equal access to interexchange carriers consistent with rules and regulations of the Federal Communications Commission.
- (e) Equal access in the sense of dialing parity and presubscription among interexchange telecommunications companies for calling within and between local access and transport areas (intraLATA and interLATA presubscription). (Stipulation of Facts, para.12)

9. MSDT is a prepaid reseller. (Tariff Sheet No. 15, 16, Appendix B) MSDT’s resold local telephone service is provided by an underlying carrier. (Tariff Sheet No. 39, Appendix B). MSDT’s monthly recurring charge for local service is \$50.00. (Tariff Sheet No. 46, Appendix

B). MSDT's rates do not include taxes, Relay Missouri surcharges, E-911 surcharges, Missouri Universal Service fund surcharges and franchise fees. (Tariff Sheet No. 28, Appendix B). Prepayment in full is due at least 30 days in advance of the period for which the prepayment is made. (Tariff Sheet No. 27, Appendix B)

10. ALLTEL has two monthly residence one-party rates, \$7.35 and \$7.85, based on the number of access lines in the local service area. Similarly, ALLTEL has two monthly business one-party rates, \$13.15 and \$14.05. (Tariff Section 25, Sheets 1 and 2; Appendix C). ALLTEL itemizes on the customer's bill any taxes and/or franchise fees. (Tariff Section 4, Sheet 2, Appendix C).

Argument

To answer the question of whether Universal and MSDT are providing basic local telecommunications service, one must first examine the underlying questions of what does it mean to "provide" "basic local telecommunications service."

1. Universal and MSDT do not provide "basic local telecommunications service."

Senate Bill 507, enacted in 1996, (1) added a definition of alternative local exchange telecommunications company to Section 386.020, (2) substantially added to the definition of basic local telecommunications service in Section 386.020 RSMo, (3) added Section 392.245 authorizing price cap regulation, and (4) added Section 392.451 setting forth requirements for an ALEC to become certificated in an area that is served by a small incumbent local exchange telecommunications company.

Section 386.020 (4) defines:

(4) **"Basic local telecommunications service"**, two-way switched voice service within a local calling scope as determined by the commission comprised of any of the following services and their recurring and nonrecurring charges:

- (a) Multiparty, single line, including installation, touchtone dialing, and any applicable mileage or zone charges;
- (b) Assistance programs for installation of, or access to, basic local telecommunications services for qualifying economically disadvantaged or disabled customers or both, including, but not limited to, lifeline services and link-up Missouri services for low-income customers or dual-party relay service for the hearing impaired and speech impaired;
- (c) Access to local emergency services including, but not limited to, 911 service established by local authorities;
- (d) Access to basic local operator services;
- (e) Access to basic local directory assistance;
- (f) Standard intercept service;
- (g) Equal access to interexchange carriers consistent with rules and regulations of the Federal Communications Commission;
- (h) One standard white pages directory listing.

As noted above, Universal and MSDT do not provide (b) Assistance programs for installation of, or access to, basic local telecommunications services for qualifying economically disadvantaged or disabled customers or both, including, but not limited to, lifeline services and link-up Missouri services for low-income customers or dual-party relay service for the hearing impaired and speech impaired, (d) Access to basic local operator services, (e) Access to basic local directory assistance, and (g) Equal access to interexchange carriers consistent with rules and regulation of the Federal Communications Commission.

Before approving an application under Section 392.451.1 RSMo for a certificate of local exchange service authority to provide basic local telecommunications service authority or for the resale of basic local telecommunications service in an area that is served by a small incumbent local exchange telecommunications company, the Commission must find that the applicant shall, throughout the service area of the incumbent local exchange telecommunications company, offer all telecommunications services which the Commission has determined are essential for purposes of qualifying for state universal service fund support.

The Commission has made that determination in Commission Rule 4 CSR 240-31.010(5):

(5) Essential local telecommunications services – Two (2)-way switched voice residential service within a local calling scope as determined by the commission, comprised of the following services and their recurring charges:

- (A) Single line residential service, including Touch-Tone dialing and any applicable mileage or zone charges;
- (B) Access to local emergency services including, but not limited to, 911 service established by local authorities;
- (C) Access to basic local operator services;
- (D) Access to basic local directory assistance;
- (E) Standard intercept service;
- (F) Equal access to interexchange carriers consistent with rules and regulations of the Federal Communications Commission (FCC);
- (G) One (1) standard white pages directory listing; and
- (H) Toll blocking or toll control for qualifying low-income customers.

As noted above, Universal and MSDT do not provide (C) Access to basic local operator services, (D) Access to basic local directory assistance, and (F) Equal access to interexchange carriers consistent with rules and regulations of the Federal Communications Commission.

Section 392.451.2 RSMo directs the Commission to adopt rules that, at a minimum, shall require that all applicants seeking a certificate to provide basic local services in an area that is served by a small incumbent local exchange telecommunications company shall, *inter alia*:

(2) Meet the minimum service standards, including quality of service and billing standards, as the commission requires of the incumbent local exchange telecommunications company with which the applicant seeks to compete.

Commission Rule 4 CSR 240-32.100 provides the minimum technologies and service features constituting basic local and interexchange telecommunications service as provided by basic local telecommunications companies. This rule provides in part:

(1) Each basic local telecommunications company shall provide all the minimum elements necessary for basic local interexchange telecommunications service prescribed in this rule.

- (2) The following technologies and service features shall constitute the minimum elements necessary for basic local and interexchange telecommunications service:
- (A) Single line service;
 - (B) Availability of dual tone multifrequency signaling;
 - (C) Electronic switching with Enhanced 911 (E-911) access capability or an enhanced version thereof;
 - (D) Digital interoffice transmission between central office buildings;
 - (E) Penetration of the International Telephone and Telegraph Consultative Committee's Signaling System Number Seven (CCITT SS7), or an enhanced version thereof, down to the tandem level of the switching hierarchy;
 - (F) Availability of custom calling features including, but not limited to, call waiting, call forwarding, three (3)-way calling and speed dialing; and
 - (G) Equal access in the sense of dialing parity and presubscription among interexchange telecommunications companies for calling within and between local access and transport areas (intraLATA and interLATA presubscription).

As noted above, Universal and MSDT do not provide (G) Equal access in the sense of dialing parity and presubscription among interexchange telecommunications companies for calling within and between local access and transport areas (intraLATA and interLATA presubscription).

The provisions of a legislative act are not read in isolation but are construed together and read in harmony with the entire act. *State Department of Social Services v. Brookside Nursing Center, Inc.*, 50 S.W. 3d 273, 276 (Mo. banc 2001).

Reading the various provisions of Senate Bill 507 together and harmonizing them, before a small ILEC may elect price cap regulation under Section 392.245 RSMo, an ALEC must be providing basic local telecommunications service as the legislature intended. The legislative intent of what constitutes an ALEC providing basic local telecommunications service is clear from Section 392.451 RSMo: that an ALEC would provide universal service fund essential services and would meet the minimum service standards required of the ILEC.

Because Universal and MSDT do not provide these essential services and do not meet these minimum service standards, ALLTEL's price cap election is invalid.

2. Resale is not the “providing” of telecommunications service.

For ALLTEL's price cap election under Section 392.245.2 RSMo to be valid, an ALEC must be “providing” basic local telecommunications service in ALLTEL's service area. The Public Service Commission law makes a distinction between providing service and the resale of service.

Section 392.450 RSMo provides standards for the Commission to “approve an application for a certificate of local exchange service authority to *provide* basic local telecommunications service *or* for the *resale* of basic local telecommunications service.” (Emphasis added.) Section 392.451 RSMo adds additional standards for the Commission to “approve an application for a certificate of local exchange service authority to *provide* basic local telecommunications service *or* for the *resale* of basic local telecommunications service in an area that is served by a small incumbent local exchange telecommunications company.” (Emphasis added.) Thus, the Legislature recognizes a distinction between providing service and the resale of service. In Section 392.245.2 RSMo the Legislature has authorized a small incumbent local exchange telecommunications company to elect price cap regulation if an ALEC is providing basic local telecommunications service in the ILEC's service area, but did not extend that election to where an ALEC resells basic local telecommunications service.

Because Universal and MSDT do not provide basic local telecommunications service, rather they resell a less complete telecommunications service, ALLTEL's price cap election under Section 392.245.2 is invalid.

Conclusion

Universal and MSDT do not “provide” “basic local telecommunications service” in ALLTEL’s service area. The telecommunications services that they resell are not the services required of an ALEC providing basic local telecommunications service in a small ILEC’s service area. Accordingly, ALLTEL’s price cap election is invalid and should be rejected.

Respectfully submitted,

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 26th day of March 2004.

/s/ William K. Haas
William K. Haas

Selected Sheets from
Universal Telecom, Inc.
P.S.C. MO. TARIFF NO. 1

REC'D OCT 04 2000

2.1. Undertaking of the Company

2.1.1. Scope of Service

The Company shall exercise its best efforts to furnish communications service to Customers in connection with one-way and/or two-way information transmissions between points within the State of Missouri under the terms and conditions of this Tariff. The Tariff is for resale of services only on a prepaid basis, with said basic local telecommunications services being offered as a separate and distinct service from other services in accordance with § 392.455 R.S.Mo. The Company shall exercise reasonable efforts to make its services available for Customer use on the installation date, as soon as practicable after execution of a Service Order, subject to compliance with the Regulations. Customer shall execute the Service Order and any other documents as the Company may reasonably require. In the event of a conflict or inconsistency between the terms of the Service Order and those of the Tariff, the Tariff shall govern.

2.1.2. Conditions to Company's Obligations

The obligations of the Company to provide Services are subject to availability, procurement, construction, and maintenance of facilities required to meet the Service Order; the provision of Services to the Company for Resale by the Carrier; interconnection to other Services or facilities as required; and any applicable Credit Limit.

The Company reserves the right to limit or allocate the use of existing facilities, or of additional facilities offered by the Company when necessary because of lack of facilities or due to some other cause beyond the Company's control. The furnishing of Service under this tariff is subject to the availability on a continuing basis of all the necessary facilities and is limited to the capacity of the Company's fiber optic cable facilities as well as facilities the Company may obtain from other Carriers, from time to time, to furnish service as required at the sole discretion of the Company.

2.1.3. Right to Discontinue or Block Services

The Company reserves the right to block Services to any Customer location, without any liability whatsoever, in the case that the Company detects or reasonably suspects either fraudulent or unlawful use of the Services at or by means of said location. The Customer will be given ten (10) days notice prior to Service being blocked or discontinued.

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considered to have 30 days. All calculations of dates set forth in this Tariff shall be based on calendar days, unless otherwise specified.

2.11. Deposits and Advance Payments

Company does not require a deposit for residential customers. The Company, at its sole discretion, may require any Customer to make an advance payment for consumption of Services. Prepayment in full is due at least 30 days in advance of the period for which the prepayment is made.

2.12. [Reserved for future use.]

2.13. Payment Arrangements

2.13.1. Payment for Service

The Customer is responsible for payment of all charges for service and facilities furnished by the Company to the Customer or its Joint or Authorized Users. Objections must be received by the Company within 30 days after statement of account is rendered, or the charges shall be deemed correct and binding upon the Customer.

2.13.1.A. Taxes: All charges and fees are subject to the Commission's jurisdiction, except taxes and franchise fees, which will be submitted to the Commission for prior approval. The Customer is responsible for the payment of any sales, use, gross receipts, excise, access or other local, state and federal taxes, charges or surcharges (however designated) excluding taxes on the Company's net income imposed on or based upon the provision of Local Exchange Service, all of which shall be itemized separately on the Company's invoices. Any taxes imposed by a local jurisdiction (e.g. County and municipal taxes) will only be recovered from those Customers residing in the affected jurisdictions. It shall be the responsibility of the Customer to pay any such taxes that subsequently become applicable retroactively.

2.13.1.B. The rates set forth herein do not reflect or include taxes, Relay Missouri surcharges, E-911 surcharges, and franchise fees.

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3. Service Descriptions

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3.1. Resold Local Exchange Service:

The Company's Resold Local Telephone Service (Local Line) provides a Customer with the ability to connect to the Company's switching network through resale of local exchange access and local exchange service provided by an underlying Carrier, which enables the Customer to:

- place or receive calls to any calling Station in the Local Calling Area, as defined herein;
- access basic 911 Emergency Service, if available in the Customer's Local Calling Area;
- place or receive calls to 800 (toll free) telephone numbers;
- access interexchange carriers through prepaid calling cards;
- service for deaf and hearing impaired customers which gives access to the telephone relay system by allowing the customer to place and receive 800 (toll free) calls pursuant to the rules and regulations of the Missouri Public Service Commission. This service is the same as offered and provided by the underlying Carrier with whom Company has entered into Resale Agreements with.

The Company's Service does not permit a Customer to originate calls direct dial (1+) or (0+) toll services and can not be used to originate calls to other telephone companies caller-paid information services (e.g., 900, 976). Calls to telephone numbers used for toll services and caller-paid information services will be blocked by the Company.

3.1.1. Prepaid Service (Local Line)

Prepaid Service provides Customer a Local Line with a single, voice-grade communications channel. Each Local Line will include a telephone number and a Directory Listing.

- 3.1.1.A. Standard Features: Each prepaid service Customer is provided with only Local Telephone Service as described in Section 3.1 above.

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4. Rates

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4.1. Return Check Charge

The Customer will be charged the applicable statutory return check charge whenever a check or draft presented for payment of Service is dishonored by the institution upon which it is drawn.

4.2. Late Fees

All past due invoices will incur a monthly finance charge on the unpaid balance at a rate equal to the statutory maximum of one and one-half percent (1.5%).

4.3. Promotional Offerings

Company may, upon Commission approval, offer customers specific rate incentives during specified promotional periods. Company will provide written notice to the Commission at least seven (7) days prior to the commencement of a promotional program specifying the terms of the promotion, the specific service offered, the location, and the beginning and ending dates of the promotional period.

4.4. Local Line Rates

4.4.1. Non-Recurring/Usage Charges

Service Charges	Rates
Processing/Application (per line)	\$40.00
Processing Change Service Request (per line)	\$35.00
Restore/Reconnection Fee	\$20.00
Usage/Toll Charge	\$5.00
Directory Assistance (per use)	\$.31
Caller I.D. Set up	\$10.00

4.4.2. Enhanced/Optional Features

<u>Feature/1</u>	<u>Rates</u>
Residential Line, per month	\$49.00
Call Forwarding No Answer, per month	\$ 5.00
Unpublished Number, per month	\$ 5.00

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Selected Sheets from
Missouri State Discount Telephone
P.S.C. No. 1 Local Service

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Missouri State Discount Telephone

Original Sheet No. 15

- 1.9 Regulations: Any and all law(s), rule(s), regulation(s), order(s), policy or policies, ruling(s), judgment(s), decree(s) or other determination(s) which are made by the Commission or which are under any federal, state, or local statute, utility code, or ordinance and which are applicable to the Services or to any provision of the Tariff.
- 1.10 Service Order: The written request for local exchange service executed by the Customer and the Company in a format specified by the Company. The signing of a Service Order by the Customer and acceptance thereof by the Company initiates the respective obligations of the parties as set forth therein and pursuant to this Tariff, but the duration of the service is calculated from the Service Commencement Date.
- 1.14 TDD: Telecommunications Device for the Deaf.
- 1.12 Termination: Discontinuance of Services, either at Customer's request, or by the Company in accordance with Regulations or this Tariff.
- 1.13 User: A Customer or any other person authorized by the Customer to use service provided under this tariff.

2. Regulations

The company is a reseller of regulated, intrastate, local exchange service provided by the Company to Customers on a prepaid basis. The Services described in Section 3 of this Tariff are provided to Customers by the Company pursuant to one or more applicable resale agreements or interconnection agreements, which are on file with, and have been approved by the Commission.

2.1 Undertaking of the Company

2.1.1 Scope of Service

The Company shall exercise its best efforts to furnish communications service to the Customers in connection with one-way and/or two-way information transmissions between points within the State of Missouri under the terms and conditions of this Tariff. The Tariff is for resale of services only on a prepaid basis, with said basic local telecommunications services being offered as a

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separate and distinct service from other services in accordance with § 392.455 R.S.Mo. The Company shall exercise reasonable efforts to make its services available for Customer use on the installation date, as soon as practicable after execution of a Service Order, subject to compliance with the Regulations. Customer shall execute the Service Order and any other documents as the Company may reasonably require. In the event of a conflict or inconsistency between the terms of the Service Order and those of the Tariff, the Tariff shall govern.

2.1.2 Conditions to Company's Obligations

The obligations of the Company to provide Services are subject to availability, procurement, construction, and maintenance of facilities required to meet the Service Order; the provision of Services to the Company for Resale by the Carrier; interconnection to other Services or facilities as required; and any applicable Credit Limit.

The Company reserves the right to limit or allocate the use of existing facilities, or of additional facilities or due to some other cause beyond the Company's control. The furnishing of Service under this tariff is subject to the availability on a continuing basis of all the necessary facilities and is limited to the capacity of the Company's fiber optic cable facilities as well as facilities the Company may obtain from other Carriers, from time to time, to furnish services as required at the sole discretion of the Company.

2.1.3 Right to Discontinue or Block Services

The Company reserves the right to block Services to any Customer location, without any liability whatsoever, in the case that the Company detects or reasonably suspects either fraudulent or unlawful use of the Services at or by means of said location. The Customer will be given ten (10) days notice prior to Service being blocked or discontinued.

2.1.4 Statement of Customer's Rights and Responsibilities

Pursuant to Missouri Public Service Commission Rule 240-33.060(3), MSDT will hand-deliver or mail to its Customers the following information at the time service is requested:

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3. Service Descriptions

3.1 Resold Local Exchange Service:

The Company's Resold Local Telephone Service (Local Line) provides a Customer with the ability to connect to the Company's switching network through resale of local exchange access and local exchange service provided by an underlying Carrier, which enables the Customer to:

- place or receive calls to any calling Station in the Local Calling Area, as defined herein;
- access basic 911 Emergency Service, if available in the Customer's Local Calling Area;
- place or receive calls to 800 (toll free) telephone numbers;
- access interexchange carriers through prepaid calling cards;
- service for deaf and hearing impaired customers which gives access to the telephone relay system by allowing the customer to place and receive 900 (toll free) calls pursuant to the rules and regulations of the Missouri Public Service Commission. This service the same as offered and provided by the underlying Carrier with whom Company has entered into Resale Agreements with.

The Company's Service does not permit a Customer to originate calls direct dial (1+) or (0+) toll services and cannot be used to originate calls to other telephone companies caller-paid information services (e.g. 900, 976). Calls to telephone numbers used for toll services and caller-paid information services will be blocked by the Company.

3.1.1. Prepaid Service (Local Line)

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- 3.3.2. Company is obligated to supply the E-911 service provider in Company's service area with accurate information necessary to update the E-911 database at the time Company submits customer orders to the local exchange telecommunications company whose service is being resold pursuant to these tariffs.
- 3.3.3. Company will collect 911 surcharges and remit all surcharge revenue to the appropriate governmental entity pursuant to RSMo. 190.310.
- 3.3.4. At the time Company provides basic local service to a Customer by means of Company's own cable pair, or over any other exclusively owned facility, Company will be obligated to make the necessary equipment or facility additions in the E-911 service provider's equipment in order to accurately and properly update the database for E-911.
- 3.3.5. Company will be obligated to provide facilities to route calls from the end users to the proper PSAP. The Company recognizes the authority of the E-911 customer to establish service specifications and grant final approval or denial of service configurations offered by the Company.

4. Rates

- 4.1 The following schedule contains the Company's charges for service:

One Time Activation Charge (per line)	\$30.00
Monthly Recurring Charges:	
Local Service:	\$50.00
Optional Features:	
Call Waiting:	\$5.00
Call Forwarding:	\$5.00
Unpublished Number:	\$5.00
Call Return:	\$5.00
Caller ID:	\$5.00
Three-way Calling:	\$5.00
Non-Recurring Charges:	
Each telephone number change:	\$15.00

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The Customer is responsible for payment of all charges for service and facilities furnished by the Company to the Customer or its Joint or Authorized Users. Objections must be received by the Company within 30 days after statement of account is rendered, or the charges shall be deemed correct and binding upon the Customer.

- 2.13.1.A. Taxes: All charges and fees are subject to the Commission's jurisdiction, except taxes and franchise fees, which will be submitted to the Commission for prior approval. The Customer is responsible for the payment of any sales, use, gross receipts, excise, access or other local, state and federal taxes, charges or surcharges (however designated) excluding taxes on the Company's net income imposed on or based upon the provision of Local Exchange Service, all of which shall be itemized separately on the Company's invoices. Any taxes imposed by a local jurisdiction (e.g. County and municipal taxes) will only be recovered from those Customers residing in the affected jurisdictions. It shall be the responsibility of the Customer to pay any such taxes that subsequently become applicable retroactively.
- 2.13.1.B. The rates set forth herein do not reflect or include taxes, Relay Missouri surcharges, E-911 surcharges, Missouri Universal Service fund surcharges, and franchise fees.
- 2.13.1.C. A surcharge is imposed on all charges for service originating at addressees in states which levy, or assert a claim of right to levy, a gross receipts tax on the Company's operations in any such state, or a state on interstate access charges incurred by the Company for originating access to telephone exchanges in that state.¹ This surcharge is based on the particular state's receipts tax and other state taxes imposed directly or indirectly upon the Company by virtue of, and measured by, the gross receipts or revenues of the

¹ Pending the conclusion of any challenge to a jurisdiction's right to impose a gross receipts tax, the Company may elect to impose and collect a surcharge covering such taxes, unless otherwise constrained by court order or direction, or it may elect not to impose and collect the surcharge. If it has collected a surcharge and the challenged tax is found to have been invalid and unenforceable, the Company will credit or refund such amounts to affected Customers (less its reasonable administrative costs), if the funds collected were retained by the Company or if they were delivered over to the taxing jurisdiction and returned to the Company.

Date of Issue: May 17, 2001

Effective Date: July 2, 2001

Harry Thielepape
President
Missouri State Discount Telephone
804 Elkins Lake
Huntsville, TX 77340

Missouri Public
Service Commission
01-334
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Missouri State Discount Telephone

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2.8.2.G. interruption of service due to circumstances or causes beyond the control of the Company.

2.8.3. Exclusive Remedy.

Except as otherwise set forth herein, Customer's sole and exclusive remedy for any and all failure giving rise to Interruptions or Credits to the extent available under this section. For any other failure or in the event Credits are unavailable, Customer's sole and exclusive remedy in lieu of Credits will be an immediate right to Terminate Services prior to the expiration of the minimum period of service.

2.9 Minimum Service Period

Except as otherwise provided herein or in the Service Order, Service is provided and billed on the basis of a minimum period of at least one month, and shall continue to be provided until canceled by the Customer, verbally or in writing, on not less than 30 days notice prior to the expiration date of the current service period. Except as otherwise provided in the Service Order, the minimum period for service will automatically renew for subsequent terms of equal duration. For the purpose of providing notice and computing charges in this Tariff, a month is considered to have 30 days. All calculations of dates set forth in this Tariff shall be based on calendar days, unless otherwise specified.

2.10 Deposits and Advance Payments

Company does not require a deposit for residential customers. The Company, at its sole discretion, may require any Customer to make an advance payment for consumption of Services. Prepayment in full is due at least 30 days in advance of the period for which the prepayment is made.

2.11 [Reserved for future use.]

2.12 [Reserved for future use.]

2.13 Payment Arrangements

2.13.1. Payment for Service

Date of Issue: May 17, 2001

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01-334
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Selected Sheets from
ALLTEL MISSOURI INC.
P.S.C. MISSOURI NO. 2

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4. ESTABLISHMENT AND FURNISHING OF SERVICE (Continued) SEP 18 2000

4.2 Telephone Numbers (Continued)

Special Billing telephone numbers are provided upon request to telephone customers, provided such numbers are available. A recurring monthly charge of \$1.75 shall apply for each Special Billing Telephone Number. See Section 40 for Rates and Regulations.

If available, telephone numbers may be reserved for future use as requested by the customer. The telephone company reserves the right to change or use the reserved telephone number or central office designation, or both, whenever it deems it advisable in the conduct of its business to do so. Should it become necessary to change telephone numbers or central office designation, the customer will be given 30 days notice of this cancellation. A monthly charge of \$1.75 applies for each reserved number.

Depending upon the capabilities of the central office switching equipment, primary telephone numbers may be arranged to "rotary hunt" to a designated idle number in service for the same customer. It may be required that the designated "rotary hunting" number be in a consecutive sequence with the primary number.

4.3 Payment for Service

The subscriber is required to pay all charges for exchange services and facilities, and for toll messages in accordance with provisions contained elsewhere in this tariff. The subscriber is held responsible for all charges for telephone service rendered at his telephone, both exchange and toll, including charges for toll messages on which the charges have been reversed. Payment by personal check may be refused if the customer has rendered a dishonored check within the last twelve (12) months.

A. Bills

Regular monthly bills are due and payable upon presentation.

Customers generally are provided one copy of the regular monthly bill. Additional copies may be provided at a charge of \$1.95 per copy.

The company shall itemize on the customer's bill any taxes and/or franchise fees. Upon request, the company shall furnish a detailed summary of these fees and taxes.

(N)
(N)

FILED

NOV 03 2000

MISSOURI
Public Service Commission

ISSUED: September 19, 2000

ISSUED BY: Steve Mowery, Vice President
State Government Affairs
P.O. Box 2177 Little Rock, AR 72203

EFFECTIVE: October 19, 2000

NOV 03 2000

25. LOCAL EXCHANGE SERVICE

APR 25 2000

25.1 Rate Group Schedule

Bracket rates are designated to provide a schedule of rates for each class and grade of service based on the number of access lines in the local service area. The following schedule designates the size of calling area applicable to each exchange rate group:

<u>Exchange Rate Group</u>	<u>Number of Access Lines in Local Service Area</u>	
I	1 to 1,499	(T)
II	1,500 and Above	(T)

25.2 Application

When an exchange exceeds or drops below the number of Access Lines authorized for the bracket in which the exchange is located by a minimum of 10 access lines for a period of 120 days, a revised Local Exchange Tariff will be filed with the Missouri Public Service Commission. The effective date of the Local Exchange Tariff will be the billing period of the Exchange involved and not less than 30 days from the date of issue, subject to approval by the Commission.

25.3 Bracket Rates for All Classes of Service

This tariff supersedes all tariffs previously issued and no supplement to this tariff will be issued except for the purpose of canceling this tariff. The charges quoted in this tariff are for periods of one month, payable monthly in advance, and entitle the customer to exchange telephone service within the exchange area and E.A.S. as specified in Section 25.6 of this tariff.

Rates for local exchange service include the provision of initial diagnostics required to determine whether a service problem is caused by facilities for which the Company is responsible or facilities for which the customer is responsible. However, local exchange service does not include the provision of actual repairs to facilities for which the customer is responsible, nor does it provide for specific diagnostics regarding the facilities for which the customer is responsible.

FILED

MAY 26 2000

MO. PUBLIC SERVICE COM.

ISSUED: April 26, 2000
ISSUED BY: Steve Mowery, Vice President
State Government Affairs
P.O. Box 2177 Little Rock, AR 72203

EFFECTIVE: May 26, 2000

Missouri Public
Service Commission

25. LOCAL EXCHANGE SERVICE (Continued)

25.4 Local Exchange Rates

REC'D FEB 02 2000

25.4.1 Exchange Wide One-Party Rates

Class of Service	Monthly Rates	
	Rate Group	Rate Group
	1	2
Residence One-Party	\$7.35	\$7.85
Business One-Party	13.15	14.05
Business Trunk	19.69	21.06

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