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January 18, 2005

The Honorable Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102-0360

FILED²

JAN 18 2005

**Missouri Public
Service Commission**

Re: MCC Telephony of Missouri, Inc.
Case No. LA-2005-0150

Dear Judge Roberts:

Please find enclosed for filing on behalf of MCC Telephony of Missouri, Inc. the original and five copies of MCC Telephony of Missouri, Inc.'s Response to Applications to Intervene.

Would you please bring this filing to the attention of the appropriate Commission personnel.

Please contact me if you have any questions regarding this filing. Thank you.

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:


Mark W. Comley
comleym@ncrpc.com

MWC:ab
Enclosure

cc: Office of Public Counsel
General Counsel's Office
Craig Johnson
Sondra B. Morgan
Kate O'Donnell

FILED²

JAN 18 2005

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

**Missouri Public
Service Commission**

In the Matter of the Application of)
MCC Telephony of Missouri, Inc.)
for a Certificate of Service Authority)
to Provide Basic Local Exchange,)
Non-Switched Local Exchange and)
Interexchange Telecommunications Service)
In the State of Missouri and to Classify said)
Services and the Company as Competitive)

Case No. LA-2005-0150

**MCC TELEPHONY OF MISSOURI, INC.'S
RESPONSE TO APPLICATIONS TO INTERVENE**

Comes now MCC Telephony of Missouri, Inc. (MCC), by its undersigned counsel, and hereby submits the following Response to the Applications to Intervene filed by the Missouri Independent Telephone Company Group ("MITG"), and the Small Telephone Company Group ("STCG").

INTRODUCTION

The issues relevant to this proceeding relate solely to the capability of the Applicant to hold a certificate of public convenience and necessity for the provision of basic local exchange, local exchange and interexchange voice services. MCC's Application more than satisfies the Commission's criteria for a certificate and should be granted expeditiously. Not one of the Applications for Intervention has contested MCC'S qualifications for certification. Rather, the Applications raise issues that are not relevant to the Commission's determination of Applicant's qualifications and, therefore, do not constitute a reasonable basis for intervention or delay of the granting of the instant Application. The only issue relevant to this proceeding is whether MCC has demonstrated that it is qualified to hold a certificate, which it surely has. Because no other issues are relevant to the instant proceeding and because there are not contested issues relating to

MCC'S qualification to hold a certificate, the Commission should deny the Applications for Intervention and grant MCC'S Application without delay.

BACKGROUND

A. The MCC Application

On November 30, 2004, MCC filed an Application for a Certificate of Public Convenience and Necessity to offer basic local exchange, local exchange and interexchange voice telephone service on a competitive basis. As explained in its Application, MCC proposes to offer and provide competitive facilities-based and resold basic local exchange services, interexchange services and nonswitched local services. Specifically, MCC desires to be able to provide all forms of switched basic service in defined exchange areas, and dedicated local and interexchange services throughout the State of Missouri. MCC intends to make use of any and all facilities by which to lawfully complete voice grade calls including facilities that are based on Internet Protocol.

With respect to the geographic coverage area for its basic local services, MCC requests authority to operate as a competitive basic local exchange carrier in all areas defined by the existing exchange areas in which SWBT, CenturyTel, Spectra Communications and Sprint are authorized to operate in Missouri. MCC has not sought authority to operate as a basic local company in any of the exchanges served by the applicants to intervene.

MCC'S verified Application is clear on its face and raises no new or unique issues. Rather, the Application provides all of the necessary information to demonstrate that MCC is, in all respects, capable, fit and qualified to provide the services for which authority is sought.

B. Applications for Intervention

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The Applications for Intervention request that the Commission address issues that are not relevant to MCC'S Application. The Missouri Independent Telephone Group (MITG) states in its application that,

it is not clear at this time how MCC's stated intention to provide various point-to-point dedicated service arrangements over a predominantly IP-based network will affect Applicant's services, but Applicants should be allowed to intervene to protect their interests as providers in Missouri.

(¶5 of MITG's Application to Intervene). Similarly--with only a slight difference--the Small Telephone Company Group (STCG) states in its application that,

it is not clear at this time how MCC's stated intention to provide various point-to-point dedicated service arrangements over a predominantly IP-based network will affect Applicant's services *or compensation for use of Applicants' networks*, but Applicants should be allowed to intervene to protect their interests as providers in Missouri. [italics added]

(¶5 of STCG's Application to Intervene). The applicants to intervene allege no other bases of interest upon which to seek party status.

MCC's dedicated point-to-point service, whether or not it is IP based, will have no effect on the applicants. Dedicated point-to-point service will be part of MCC's local exchange offering and will not be a switched service. Furthermore, the applicants' concern over this service is disconnected from any consideration of MCC's qualifications to provide the service which is the root of MCC's application. Neither party has demonstrated, as required by 4 C.S.R. Section 240-2.075(4)(A), that it would be adversely affected by an order granting MCC'S Application, and, in fact, there is simply no basis for such a conclusion.

MITG tries to raise an issue regarding how MCC will configure its network and how it will pass traffic from end user to end user. That issue does not bear on MCC'S eligibility for certification and is necessarily an issue that will be resolved as service is deployed. There is

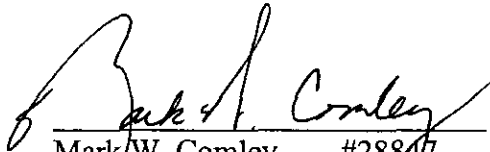
simply no basis and no evidence supporting the MITG's and STCG's concern that they will be harmed as a result of MCC'S entry into the market.

As MCC has stated, it intends to voluntarily comply with all applicable requirements pertaining to the provision of basic local exchange, local exchange and interexchange telephone service.

CONCLUSION

None of the Applications to Intervene raises issues that warrant intervention in this proceeding, and, accordingly, each Application should be denied. The Commission should deny the Applications to Intervene and grant MCC'S Application for certification without delay.

Respectfully submitted,



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Attorney for MCC Telephony of Missouri,
Inc.

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent via e-mail on this 18th day of January, 2005, to General Counsel's Office at gencounsel@psc.state.mo.us; Office of Public Counsel at opcservice@ded.state.mo.us; Craig Johnson at cjohnson@aempb.com; and Sondra Morgan at smorgan@brydonlaw.com

