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April 4, 2003

**FILED<sup>3</sup>**

APR 04 2003

Missouri Public  
Service Commission

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

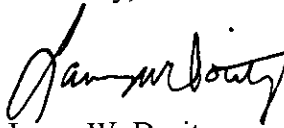
RE: In the Matter of BPS Telephone Company's Election to be Regulated under Price  
Cap Regulation as Provided in Section 392.245, RSMo 2000.  
**Case No. IO-2003-0012**

Dear Mr. Roberts:

Enclosed for filing in the above referenced case, please find the original and eight (8) copies of (1) ALLTEL Missouri, Inc.'s Petition for Leave to File Brief as an *Amicus Curiae* and (2) *Amicus Curiae* Brief of ALLTEL Missouri, Inc.

This filing has been served this date on all counsel of record. Thank you for your attention to this matter.

Sincerely,



Larry W. DORITY

Enclosures  
cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>3</sup>  
APR 04 2003

Missouri Public  
Service Commission

In the Matter of BPS Telephone )  
Company's Election to be Regulated )  
under Price Cap Regulation as Provided ) Case No. IO-2003-0012  
in Section 392.245, RSMo 2000. )

**ALLTEL MISSOURI, INC.'S  
PETITION FOR LEAVE TO FILE BRIEF  
AS AN AMICUS CURIAE**

Comes now ALLTEL Missouri, Inc. ("ALLTEL"), pursuant to Commission Rule 4 CSR 240-2.075(6) and the Commission's Order Granting Extension Of Time To File Briefs entered in this matter on March 19, 2003, and in support of its Petition for Leave to File Brief as an *Amicus Curiae* respectfully states as follows:

1. As a small incumbent local exchange carrier that previously exercised its statutory right to elect to be price cap regulated under Section 392.245, RSMo 2000<sup>1</sup>, ALLTEL has a unique interest in this matter. As in this proceeding, the Staff of the Commission has moved to reject ALLTEL's price cap election in Case No. IO-2002-1083 (hereinafter referred to as "ALLTEL's Price Cap Proceeding"), and that matter is now at issue. As noted in the most recent Joint Motion To Suspend Filing Of Proposed Procedural Schedule that was filed by ALLTEL, Staff and the Office of Public Counsel in ALLTEL's Price Cap Proceeding: "Because the issues in the BPS case are similar to the issues in the ALLTEL case, the parties request that the filing of a proposed procedural

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<sup>1</sup> See Mo. P.S.C. Case No. IO-2002-1083, *In the Matter of the Notice of Election of ALLTEL Missouri, Inc. to be Price Cap Regulated Under Section 392.245 RSMo 2000*.

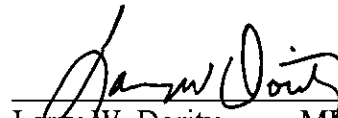
schedule in this matter should be further suspended for an additional 3 months, until July 3, 2003. No party will be prejudiced by such suspension.”<sup>2</sup>

2. Accordingly, ALLTEL’s perspectives and analysis regarding the statutory construction of Section 392.245, RSMo 2000 as contained in its *amicus* brief are desirable, and the matters asserted therein are clearly relevant to the determination of this case.

3. ALLTEL’s *amicus* brief is being submitted simultaneously with this petition, and both the petition and *amicus* brief are being filed no later than the initial briefs of the parties, in accordance with the Commission’s Order of March 19, *supra*.

WHEREFORE, ALLTEL Missouri, Inc. respectfully prays that the Commission grant it leave to file a brief as an *amicus curiae*, and accept its *amicus* brief filed concurrently herewith.

Respectfully submitted,



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Attorneys for ALLTEL Missouri, Inc.

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<sup>2</sup> Joint Motion at 1.

## CERTIFICATE OF SERVICE

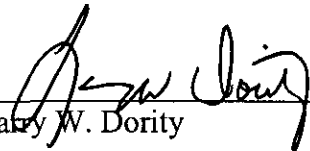
I hereby certify that a true and correct copy of the above and foregoing document was hand-delivered, e-mailed or mailed, United States Mail, postage prepaid, this 4th day of April, 2003, to:

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