

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 6th day of December, 2005.

In the Matter of Tariff No. 3 of Time Warner Cable)
Information Services (Missouri), LLC d/b/a)
Time Warner Cable) **Case No. LT-2006-0162**

ORDER GRANTING INTERVENTIONS

Issue Date: December 6, 2005

Effective Date: December 6, 2005

Syllabus: This order grants MITG's and STCG's Applications to Intervene.

On September 23, 2005, Time Warner Cable Information Services (Missouri), LLC d/b/a Time Warner Cable filed a tariff, which bore an effective date of October 23, 2005. The Staff of the Commission filed a Motion to Suspend on October 13, which the Commission granted on October 18.

On November 2, the Missouri Independent Telephone Company Group filed an application to intervene.¹ MITG asks to intervene because it is concerned with: how VoIP (Voice over Internet Protocol) providers will compete with regulated ILECs and CLECs; to what extent VoIP providers are subject to PSC regulation; and how VoIP originated traffic delivered to MITG networks for termination will be handled for intercompany compensation.

¹ The Missouri Independent Telephone Company Group consists of Alma Communications Co., Chariton Valley Telephone Corp., Choctaw Telephone Co., Mid-Missouri Telephone Company, Mo-Kan Dial Inc., and Northeast Missouri Rural Telephone Co.

On November 15, the Small Telephone Company Group filed an application to intervene.² STCG's motion was very similar to MITG's motion. In response to a Commission order, the Staff of the Commission stated that it believes both motions comply with the Commission's rule on intervention, and does not object to either motion.

In contrast, Time Warner opposes MITG's and STCG's motions. Time Warner claims that it does not compete directly with any of MITG's or STCG's companies. Further, Time Warner claims that the FCC has preempted much of state regulation over VoIP. Finally, Time Warner asserts that nothing in Time Warner's tariffs relate to intercompany compensation.

Commission Rule 4 CSR 240-2.075 permits parties to intervene. The Commission may allow intervention if a party has an interest in the case different from that of the general public and if granting the proposed intervention would serve the public interest.

The Commission finds that MITG and STCG have interests in the case different from that of the general public and that granting the proposed interventions would serve the public interest. The Commission will, therefore, grant MITG's and STCG's applications.

The Commission notes that on November 14, it ordered the parties to file a stipulation of facts no later than December 2, and to file briefs no later than December 23. The Commission will order MITG and STCG to follow that same order.

² The Small Telephone Company Group consists of BPS Telephone Company, Citizens Telephone Company, Craw-Kan Telephone Cooperative, Inc., Ellington Telephone Company, Fidelity Telephone Company, Goodman Telephone Company, Inc., Granby Telephone company, Grand River Mutual Telephone Corporation, Green Hills Telephone Corp., Holway Telephone Company, Iamo Telephone Company, Kingdom Telephone Company, KLM Telephone Company, Lathrop Telephone Company, McDonald County Telephone Company, Mark Twain Rural Telephone Company, Miller Telephone Company, New Florence Telephone Company, New London Telephone Company, Orchard Farm Telephone Company, Oregon Farmers Mutual Telephone Company, Ozark Telephone Company, Peace Valley Telephone Company, Seneca Telephone Company, Steelville Telephone Exchange, Inc., and Stoutland Telephone Company.

IT IS THEREFORE ORDERED:

1. That the application to intervene filed by the Missouri Independent Telephone Company Group is granted.

2. That the application to intervene filed by the Small Telephone Company Group is granted.

3. That the Missouri Independent Telephone Company Group and the Small Telephone Company Group, as well as all other parties, shall follow the Commission's November 14, 2005 Order Granting Motion to Establish Procedural Schedule.

4. That this order shall become effective on December 6, 2005.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Gaw and Clayton, CC., concur
Murray, C., dissents
Appling, C., absent

Pridgin, Regulatory Law Judge