

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

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Missouri Public  
Service Commission

In the Matter of the Notice of Election of ALLTEL )  
Missouri, Inc., to be Price Cap Regulated under ) Case No. IO-2002-1083  
Section 392.245, RSMo 2000 )

**JOINT RESPONSE TO ORDER  
GRANTING EXTENSION OF TIME**

COME NOW ALLTEL Missouri, Inc. (ALLTEL), the Staff of the Missouri Public Service Commission ("Staff") and the Office of the Public Counsel ("OPC") (collectively "the Parties"), pursuant to 4 CSR 240-2.130(9), and for their Joint Response to Order Granting Extension of Time respectfully state as follows:

1. On February 9, 2004, the Commission issued its Order Granting Extension of Time ("Order") in this matter, granting the Parties' unanimous request to extend the time for filing their proposed stipulation of facts, proposed date for oral arguments, and a proposed briefing schedule. Ordered Paragraph 2 of the Order provides: "That no later than February 20, 2004, the parties shall file a stipulation of facts, proposed date for oral arguments, and a proposed briefing schedule."

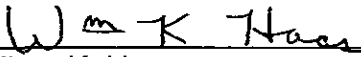
2. In accordance with the Order, the Parties respectfully submit their Stipulation of Facts, which is attached hereto as Attachment 1 and incorporated herein by reference.

3. The Parties respectfully request that the Commission schedule oral arguments in this matter for Friday, April 23, 2004, and that the following briefing schedule be adopted: Simultaneous Initial Briefs due on Friday, March 16, 2004; simultaneous Reply Briefs due on Friday, April 9, 2004.

WHEREFORE, the Parties respectfully submit their Stipulation of Facts and request that the Commission schedule oral arguments and adopt the proposed briefing schedule as set forth herein.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

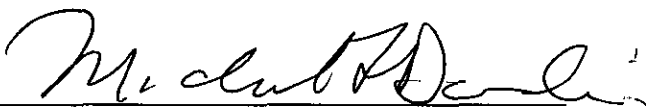
  
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William K. Haas  
Deputy General Counsel  
Missouri Bar No. 28701

Attorney for the Staff of the  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102  
(573) 751-7510 (Telephone)  
(573) 751-9285 (Fax)  
e-mail: [william.haas@psc.mo.gov](mailto:william.haas@psc.mo.gov)

  
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Larry W. Dority  
Missouri Bar No. 25617  
FISCHER & DORITY, P.C.  
101 Madison Street, Suite 400  
Jefferson City, Missouri 65101  
Tel.: (573) 636-6758  
Fax: (573) 636-0383  
Email: [lw Dority@sprintmail.com](mailto:lw Dority@sprintmail.com)

Attorneys for ALLTEL Missouri, Inc.

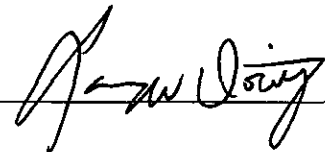
OFFICE OF THE PUBLIC COUNSEL

BY: 

Michael F. Dandino  
Senior Public Counsel  
Missouri Bar No. 24590  
P.O. Box 7800  
Jefferson City, MO 65102  
(573) 751-4857  
(573) 751-5559  
Fax (573) 751-5562  
Email: [mdandino@ded.state.mo.us](mailto:mdandino@ded.state.mo.us)

**Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronic mail to all counsel of record this 20th day of February, 2004.

  
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**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 ) **Case No. IO-2002-1083**  
Section 392.245, RSMo 2000 )

**STIPULATION OF FACTS**

ALLTEL Missouri, Inc. (ALLTEL), the Staff of the Missouri Public Service Commission ("Staff") and the Office of the Public Counsel ("OPC") (collectively "the Parties"), pursuant to 4 CSR 240-2.130(9), respectfully stipulate as to the following facts to be received into evidence in this matter:

1. ALLTEL is a small incumbent local exchange company serving approximately 69,000 access lines in Missouri.
2. On May 17, 2002, ALLTEL filed its Notice of Election To Be Price Cap Regulated Under Section 392.245, RSMo 2000, with the Commission.
3. Universal Telecom, Inc. (Universal) is an alternative local exchange telecommunications company as that term is used in § 392.245 and defined in § 386.020 (1), RSMo 2000.
4. On March 21, 2002, Universal was granted a certificate of service authority to provide basic local exchange telecommunications services in exchanges served by various local exchange companies, including ALLTEL. (*Order Granting Certificate To Provide Basic Local Exchange Service*, Case No. TA-2002-183, effective March 31, 2002).

5. On January 22, 2001, the Commission approved the Interconnection Agreement between Universal and ALLTEL in Case No. TO-2001-360. (*Order Approving Interconnection Agreement*, effective February 1, 2001). The subject Interconnection Agreement does not contain a restriction on service to be provided by Universal, such as that found in the Resale Agreement between BPS Telephone Company and Missouri State Discount Telephone, as discussed in Case No. IO-2003-0012.<sup>1</sup>

6. At the time of the Notice of Election, Universal provided telecommunications service to customers within the ALLTEL service area, pursuant to its lawfully approved tariff. (Universal Telecom, Inc. P.S.C. Mo. Tariff No. 1).

7. 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

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<sup>1</sup> **6.1 Restrictions.**

6.1.1 The resale of services under this Agreement shall be limited to users and uses conforming to class of service restrictions. . . . Missouri State Discount shall not target Telephone Company's current customers or new customers to Telephone Company's service area, for services to be resold by Missouri State Discount. Missouri State Discount's target market shall be individuals and entities which are not current customers of Telephone Company and have been disconnected for nonpayment of Telephone Company's telecommunication charges. . . . (*Report and Order*, Case No. IO-2003-0012, November 13, 2003, p. 5).

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).

8. Missouri State Discount Telephone (MSDT) is an alternative local exchange telecommunications company as that term is used in § 392.245 and defined in § 386.020 (1), RSMo 2000.

9. On March 16, 2001, MSDT was granted a certificate of service authority to provide basic local exchange telecommunications services in exchanges served by various local exchange companies, including ALLTEL. (*Order Granting Certificate To Provide Basic Local Exchange And Interexchange Telecommunications Service*, Case No. TA-2001-334).

10. On April 24, 2000, the Commission approved the Interconnection Agreement between MSDT and ALLTEL in Case No. TO-2000-469. (*Order Approving Interconnection Agreement*, effective May 2, 2000). The subject Interconnection Agreement does not contain a restriction on service to be provided by MSDT, such as that found in the Resale

Agreement between BPS Telephone Company and Missouri State Discount Telephone, as discussed in Case No. IO-2003-0012.<sup>2</sup>

11. At the time of the Notice of Election, MSDT provided telecommunications service to customers within the ALLTEL service area, pursuant to its lawfully approved tariff. (Missouri State Discount Telephone, P.S.C. No. 1).

12. 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 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.

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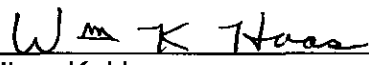
<sup>2</sup> *Id.*

- (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).

13. The parties do not agree as to which, if any, Commission rules are relevant to a decision in this case, but the parties agree that the Commission may take official notice of Commission rules, tariffs, orders, and any other information contained in a document on file as a public record with the Commission in its decision in this case, subject to the relevance and materiality provisions of 4 CSR 240-2.130(2).

Respectfully submitted,

DANA K. JOYCE  
General Counsel

  
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William K. Haas  
Deputy General Counsel  
Missouri Bar No. 28701

Attorney for the Staff of the  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102  
(573) 751-7510 (Telephone)  
(573) 751-9285 (Fax)  
e-mail: [william.haas@psc.mo.gov](mailto:william.haas@psc.mo.gov)



  
Larry W. Dority  
Missouri Bar No. 25617  
FISCHER & DORITY, P.C.  
101 Madison Street, Suite 400  
Jefferson City, Missouri 65101  
Tel.: (573) 636-6758  
Fax: (573) 636-0383  
Email: [lw\\_dority@sprintmail.com](mailto:lw_dority@sprintmail.com)

Attorneys for ALLTEL Missouri, Inc.

OFFICE OF THE PUBLIC COUNSEL

BY:   
Michael F. Dandino  
Senior Public Counsel  
Missouri Bar No. 24590  
P.O. Box 7800  
Jefferson City, MO 65102  
(573) 751-4857  
(573) 751-5559  
Fax (573) 751-5562  
Email: [mdandino@ded.state.mo.us](mailto:mdandino@ded.state.mo.us)