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October 3, 2003

Secretary of PSC
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

FILED
OCT 03 2003

Re: Case No. LA-2004-0133

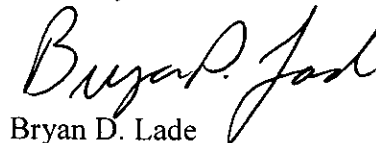
Missouri Public
Service Commission

Dear Secretary:

Enclosed please find an original and eight copies of the MITG's Application to Intervene in Opposition To Granting of Service Authority, And Request for Hearing.

Thank you for seeing this filed. If you should have any questions or concerns, please do not hesitate to contact me.

Sincerely,


Bryan D. Lade

Enc.

Cc: MITG Managers
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Dan Joyce
Paul DeFord

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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED

OCT 03 2003

Missouri Public
Service Commission

In the Matter of the Application of)
Time Warner Cable Information Services)
(Missouri), LLC for a Certificate of Service)
Authority to Provide Local and)
Interexchange Voice Service in)
Portions of the State of Missouri and to Classify)
Said Services and the Company as Competitive)

Case No. LA-2004-0133

APPLICATION TO INTERVENE AND REQUEST FOR HEARING

COMES NOW Alma Telephone Co., Chariton Valley Telephone Corp., Choctaw Telephone Co., MoKan Dial Inc., and Northeast Missouri Rural Telephone Co., the Missouri Independent Telephone Company Group ("MITG")¹, by and through undersigned counsel, seeking intervention in the above captioned proceeding and declare their opposition to the application of Time Warner Cable Information Services, LLC ("Time Warner") for certificate of service authority to provide local and interexchange voice telecommunication services over the Internet within the State of Missouri. In support of this application the MITG states:

1. The MITG companies are rural, small, local exchange companies classified as rural telephone companies under the Telecommunications Act of 1996. The MITG provide local, basic local, and exchange access services. The MITG companies are "incumbent local exchange companies" ("ILECs") under the statutes of Missouri. § 386.020(20) RSMo.

2. The MITG companies have an interest in this case, because as small rural ILECs they will likely be impacted by the delivery of traffic originated by the users of the Time Warner voice over Internet protocol ("VoIP") phone service. Because of the way in which VoIP

¹ Alma Telephone Co., Chariton Valley Telephone Corp., Choctaw Telephone Co., MoKan Dial Inc., and Northeast Missouri Rural Telephone Co.

technology works it is not clear to the MITG at this time how they will be compensated for the termination of this traffic.

3. The MITG companies' question the ability of companies like Time Warner, or those companies who interconnect with them, to record and report call specific data, the extent of information contained in such records, the matter in the which will intercarrier compensation, issues of billing, recording and rates will be handled, and the carriers who will be held responsible for paying the intercarrier compensation. There are currently no industry standards for network protocol, the collection and distribution of call records, or for documenting the routing and transport of VoIP traffic.

4. The MITG's interest is different from that of the general public. The MITG are concerned that an inability to record and report call specific data all result in the inability to bill for this traffic. Further, if the MITG companies go uncompensated for this traffic it could potentially impact their end-user customers as well. Without this compensation they would have to pass along this extra cost of the use of their facilities, which would result in higher rates to their rural customers.

5. The MITG have a further interest in this application, and the precedent to be set in this case with respect to how VoIP will be treated in Missouri, as such services are clearly contemplated to be extended to their exchanges

6. There are many unanswered question about the operation of the VoIP technology. Because of the potential impact approval of this application would have on the Missouri telecommunications market, the MITG proposes the commission and its staff establish a generic docket to enable the industry as a whole, including staff and the office of public counsel to

examine the billing, recording, network and intercarrier compensation issues raised by this VoIP technology and its implementation in the Missouri market.

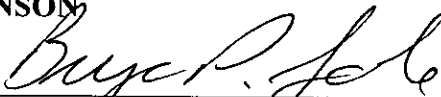
7. For the foregoing reasons the MITG companies oppose the approval of the application for certificate of service authority for both local and interexchange phone service submitted by Time Warner.

8. Copies of all filings in this docket should be directed to the MITG by serving:

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WHEREFORE, the MITG request that they be allowed to intervene in opposition to this application for certificate of local and interexchange service authority, that an evidentiary hearing be provided upon which the Commission can base its decision in these regards, and that the Commission reject the proposed application.

**ANDERECK, EVANS, MILNE, PEACE &
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By: 

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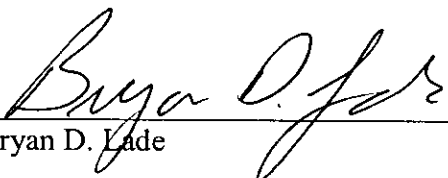
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was mailed, U. S. Mail, postage pre-paid, this 3rd day of October 2003, to:

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