

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Application of)	
)	
CenturyTel Solutions, LLC)	
)	
for Certificate of Service Authority to Provide)	Case No. LA-2004-0105
Basic Local Exchange, Interexchange and)	
Local Exchange Telecommunications)	
Services in the State of Missouri)	
and for Competitive Classification.)	

**RESPONSE IN OPPOSITION TO MITG APPLICATION
TO INTERVENE AND REQUEST FOR HEARING**

Comes now CenturyTel Solutions, LLC. ("CTS" or "Respondent"), a Louisiana limited liability company, by its undersigned counsel and, pursuant to Commission Rule 4 CSR 240-2.080(15), respectfully submits its Response in Opposition to the Application to Intervene in Opposition to Granting of Service Authority, And Request for Hearing ("Application") filed by the Missouri Independent Telephone Company Group ("MITG") on September 24, 2003. In support of this Response, Respondent states as follows:

1. Respondent filed on August 20, 2003 an Application for a Certificate of Service Authority to Provide Basic Local Exchange, Interexchange and Local Exchange Telecommunications Services in Missouri and for Competitive Classification ("Certificate Application"). On August 26, 2003, the Commission issued its Notice of Applications for Intrastate Certificates of Service Authority and Opportunity to Intervene, setting intervention deadlines of September 10, 2003 for Respondent's interexchange and nonswitched local exchange service authority requests, and September 25, 2003 for Respondent's basic local exchange service authority ("CLEC") request. As reflected in said Notice, Respondent seeks to obtain a certificate of service authority to provide basic local exchange telecommunications services in exchanges served by Southwestern Bell

Telephone Company, L.P. d/b/a SBC Missouri, Sprint Missouri, Inc. d/b/a Sprint, CenturyTel of Missouri, LLC and Spectra Communications Group, LLC d/b/a CenturyTel., as is typically granted by the Commission.

2. CTS is a wholly-owned subsidiary of CenturyTel, Inc. (“CTI”), and an affiliate of CenturyTel of Missouri, LLC and Spectra Communications Group, LLC d/b/a CenturyTel.

3. In their Application, the MITG allege that they oppose the Commission granting CTS its CLEC service authority on the unsubstantiated grounds that it is against the public interest and possibly unlawful to allow an affiliate of an ILEC to compete with itself in its incumbent exchanges. (Application , page 2). However, the MITG proceeds to acknowledge that this Commission has previously, in fact, granted similar authority to Sprint Communications Company, L.P. in 1998.¹ Indeed, the MITG suggests, in the alternative, that “The Commission could order such conditions [as those authorized by Section 392.470, RSMo] pursuant to a stipulation that protects against some of the potential abuses as was determined in the Sprint case cited above.”²

4. Respondent asserts that it is neither a violation of law nor adverse to the public interest for it to be granted authority to provide competitive basic local exchange services in the service territories served by two affiliated ILECs. MITG has cited no Missouri or federal law that prohibits the granting of authority to provide competitive telecommunications services in such a manner.

5. Respondent also asserts that it is not against the public interest for it to be granted such authority in Missouri. Respondent’s proposed services will create and enhance competition by expanding the availability of innovative, high-quality, and reliable communications services in Missouri. Increased competition will, in turn, create

¹ *In the Matter of the Application of Sprint Communications Company, L.P. for a Certificate of Service Authority to Provide Basic Local Telecommunications Service and Local Exchange Telecommunications Service.* Case No. TA-97-269, issued April 21, 1998.

² MITG Application, p. 3.

incentives for all carriers to lower prices, to provide new and better quality services, and to be more responsive to customer issues and demands

6. Respondent further notes that many safeguards already exist to prevent purported anticompetitive behavior between a CLEC and affiliated ILEC. First, there are internal mechanisms in place that prevent anticompetitive behavior on the part of Respondent and affiliated ILECs. Respondent conducts its own operations independently from other CTI-affiliated telecommunications carriers. For example, Respondent keeps its own separate books, records, and accounts from those of any other CTI-affiliated carriers. Respondent also has its own management team and conducts all transactions between itself and other CTI affiliates on an arm's length basis.

7. Second, there are external legal safeguards that help to ensure competitively neutral practices among telecommunications carriers. For example, Section 251 of the Communications Act, 47 USC § 251, imposes upon all local exchange carriers the duty not to discriminate in setting conditions for resale of their telecommunications services. Section 251 also imposes on ILECs the requirement to provide interconnection, unbundled access to network elements, wholesale telecommunications services for resale, and collocation on a nondiscriminatory basis. Respondent and its affiliated ILECs are required to comply with such requirements.

8. Third, as discussed above, the Commission may impose conditions pursuant to §392.470, RSMo 2000 on the certifications it grants if it deems such conditions to be in the public interest. In Case No. TA-97-269, such conditions were contained in a stipulation and agreement reached between Sprint, United Telephone Company of Missouri, the Staff of the Missouri Commission, and the Office of the Public Counsel.³ Respondent is willing in principle to agree to similar conditions on its provision of basic local exchange telecommunications services in the service territories of

³ Stipulation and Agreement, Paragraph 8, pp. 6-8, August 1, 1997, Case No. TA-97-269.

CenturyTel of Missouri, LLC and Spectra Communications Group, LLC d/b/a CenturyTel, should the Commission find such conditions to be in the public interest.⁴

9. Finally, at Paragraph 9 of their Application, the MITG attempt to interject additional issues relating to CTS's interexchange carrier ("IXC") certification, in particular the utilization of Feature Group D protocols. As the MITG is well aware, such issues are among those currently being addressed in the context of the Missouri Commission Staff's Chapter 29 Enhanced Record Exchange Rule Proposal, and CTS, like all other Missouri telecommunications companies, will be subject to the final rules as lawfully promulgated by this Commission. Clearly, there is no basis or perceived need to interject such issues (which also are out of time pursuant to the Commission's Notice regarding intervention) in this IXC certification proceeding, and possibly subject CTS to unlawful disparate and/or discriminatory treatment. To the extent such issues are relevant, if at all, they are being addressed in the Staff's promulgation of Chapter 29 and its generic applicability to all similarly situated carriers.

⁴ CTS is in receipt of the Office of the Public Counsel's Motion for Evidentiary Hearing filed in this matter on September 26, 2003. While CTS opposes, and respectfully suggests that no need exists, for an evidentiary hearing on its Application, CTS stands ready to address the issues referenced in the Public Counsel's Motion, and anticipates that CTS, Public Counsel and the Staff will discuss possible conditions relative to its basic local exchange certification at a Prehearing Conference to be scheduled by the Commission.

WHEREFORE, CenturyTel Solutions, LLC respectfully requests that the Commission deny the MITG's Application to Intervene in Opposition to Granting of Service Authority, And Request for Hearing.

Respectfully submitted,



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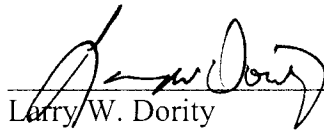
Certificate of Service

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered, transmitted by e-mail or mailed, First Class, postage prepaid, this 6th day of October, 2003, to:

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