

# BEFORE THE PUBLIC SERVICE COMMISSION

## OF THE STATE OF MISSOURI

In the Matter of CenturyTel of Missouri, LLC's Request     )  
for Competitive Classification Pursuant to                     )  
Section 392.245.5, RSMo.   ) **Case No. IO-2007-0440**

### **ORDER DIRECTING NOTICE, ESTABLISHING PROCEDURAL SCHEDULE, AND RESERVING HEARING DATE**

Issue Date: May 22, 2007

Effective Date: May 22, 2007

On May 17, 2007, CenturyTel of Missouri, LLC ("CenturyTel") filed its verified Application for Competitive Classification pursuant to Section 392.245.5, RSMo Cum. Supp. 2005. In its Application, which includes a revised tariff sheet with an effective date of June 16, 2007, CenturyTel requests that the Commission classify the business services it offers in its Branson, Crane, Marshfield, Ozark, and Troy exchanges, other than exchange access services, as competitive. CenturyTel also requests that the Commission classify the residential services CenturyTel offers in its Bourbon, Branson, Cabool, Cassville, Cuba, Forsyth, Kimberling City, Mansfield, and Troy exchanges, other than exchange access services, as competitive.

Section 392.245.5(6), RSMo Cum. Supp. 2005, provides that when an incumbent local exchange telecommunications company requests competitive classification of its business or residential services, the Commission must determine, within thirty days of the request, "whether the requisite number of entities are providing basic local telecommunications service to business or residential customers, or both, in an

exchange and if so shall approve tariffs designating all such business or residential services other than exchange access service, as competitive within such exchange.” Because of the need to proceed expeditiously, the Commission will issue notice, set a procedural schedule, and reserve a date for a hearing if one should become necessary, as set out below.

Section 392.245.5, RSMo Cum. Supp. 2005, also provides, in pertinent part:

Each telecommunications service offered to business customers, other than exchange access service, of an incumbent local exchange telecommunications company regulated under this section shall be classified as competitive in any exchange in which at least two nonaffiliated entities in addition to the incumbent local exchange company are providing basic local telecommunications service to business customers within the exchange.

Accordingly, the Commission will direct its Staff to investigate this matter and to file a verified pleading stating whether there are at least two carriers serving CenturyTel’s Branson, Crane, Marshfield, Ozark, and Troy exchanges<sup>1</sup> who are not affiliated with CenturyTel but provide basic local phone service to business customers located within that exchange. In addition, Staff shall state whether the competing carriers have local numbers available for use by business customers in the Branson, Crane, Marshfield, Ozark, and Troy exchanges.

Likewise, Section 392.245.5, RSMo Cum. Supp. 2005, further provides, in pertinent part:

Each telecommunications service offered to residential customers, other than exchange access service, of an incumbent local exchange telecommunications company regulated under this section shall be classified as competitive in an exchange in which at least two nonaffiliated entities in addition to the incumbent local exchange company are providing basic local telecommunications service to residential customers within the exchange.

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<sup>1</sup> See Sections 392.245.5(1) and (2), RSMo Cum. Supp. 2005.

Accordingly, the Commission will also direct its Staff to investigate this matter and to file a verified pleading stating whether there are at least two carriers serving CenturyTel's Bourbon, Branson, Cabool, Cassville, Cuba, Forsyth, Kimberling City, Mansfield, and Troy exchanges who are not affiliated with CenturyTel but provide basic local phone service to residential customers located within those exchanges. In addition, Staff shall state whether the competing carriers have local numbers available for use by residential customers in the Bourbon, Branson, Cabool, Cassville, Cuba, Forsyth, Kimberling City, Mansfield, and Troy exchanges.

If a hearing becomes necessary, the following procedures will apply:

(A) The Commission will require all parties to prefile testimony as defined in 4 CSR 240-2.130. All parties shall comply with this rule, including the requirement that testimony be filed on line-numbered pages. The practice of prefiling testimony is designed to give parties notice of the claims, contentions and evidence in issue and to avoid unnecessary objections and delays caused by allegations of unfair surprise at the hearing. The parties will be allowed to present rebuttal witnesses at the hearing.

(B) The Commission will direct that the transcript be expedited and submitted within **one business day** of the hearing.

(C) Because much of the evidence will have been filed before the hearing, the Commission will require pretrial briefs that address all the issues in dispute and all the relevant prefiled testimony. Because of the expedited nature of the hearing, no post-trial briefs will be allowed. The Commission will allow the opportunity for closing arguments at the end of the hearing.

(D) Each party shall file with its brief a list of the witnesses it expects to call and the order in which they will be called.

(E) Each party is required to bring an adequate number of copies of exhibits that it intends to offer into evidence at the hearing. If an exhibit has been prefiled, and served on the other parties, only one copy of the exhibit is necessary for the court reporter. If an exhibit has not been prefiled, the party offering it shall bring, in addition to the copy for the court reporter, copies for the five Commissioners, the Presiding Judge, and all counsel.

(F) Each party must file proposed findings of fact and conclusions of law, including citations to prefiled testimony and other evidence.

If no hearing is requested by a proper party, the Commission may make its determination based on the verified pleadings and recommendation of its Staff.<sup>2</sup>

**IT IS ORDERED THAT:**

1. The Data Center of the Missouri Public Service Commission shall send notice of this Application to all certificated competitive local exchange carriers and to all incumbent local exchange carriers in the state of Missouri.

2. The Public Information Officer of the Missouri Public Service Commission shall provide notice of this Application to the members of the General Assembly and to the news media.

3. Any party wishing to intervene in this matter must file an application no later than May 29, 2007, with:

Colleen M. Dale, Secretary  
Missouri Public Service Commission  
Post Office Box 360  
Jefferson City, Missouri 65102-0360

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<sup>2</sup> *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. W.D. 1989).

with a copy served on:

Larry W. Dority  
Fischer & Dority, P.C.  
101 Madison, Suite 400  
Jefferson City, Missouri 65101

Attorney for CenturyTel of Missouri, LLC

and:

Office of the Public Counsel  
Post Office Box 2230  
Jefferson City, Missouri 65102-2230

4. Any responses by any party to requests for intervention shall be filed no later than May 31, 2007.

5. The Staff of the Missouri Public Service Commission shall, after promptly investigating this matter, file any objections to and a verified recommendation regarding CenturyTel of Missouri, LLC's Application no later than June 1, 2007.

6. The Office of the Public Counsel and any other interested party shall file any objections to CenturyTel of Missouri, LLC's Application no later than June 1, 2007.

7. If an objection is filed, the following additional procedural dates will apply:

Testimony – all parties June 4, 2007

Pretrial Briefs, List of Witnesses, June 6, 2007  
List of Issues, and Proposed Findings of Fact

The parties are hereby notified that if any party opposes CenturyTel of Missouri, LLC's Application, a hearing will be set for Friday, June 8, 2007, beginning at 9:00 a.m., in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, which meets accessibility standards required by the Americans with Disabilities Act. Any party needing additional accommodations to participate in this hearing should call the

Missouri Public Service Commission's Hotline at 800-392-4211 or dial Relay Missouri at 711 at least 48 hours in advance of the hearing.

8. If a hearing is held, the transcript will be expedited to be filed within **one business day** following the hearing.

9. Each party shall comply with the procedural requirements set out in the body of this order.

10. This order shall become effective on May 22, 2007.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Benjamin H. Lane, Regulatory  
Law Judge, by delegation of authority  
under Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 22nd day of May, 2007.