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April 29, 2002

**VIA FACSIMILE (573-522-6176)**  
**FEDERAL EXPRESS**

Missouri Public Service Commission  
Attn: Secretary of the Commission  
200 Madison Street, Suite 100  
Jefferson City, MO 65102

**Re: TA-2002-376**

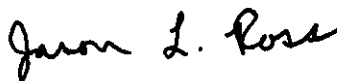
Dear Mr. Roberts,

Enclosed for filing with the Commission is an original and eight (8) copies of Motion For Clarification and/or Application For Rehearing by Fidelity Telephone Company.

We have enclosed one extra copy of the Motion which we would appreciate being date stamped upon receipt and returned to the undersigned in the envelope provided. Thank you for your assistance in this matter.

Yours very truly,

GREENSFELDER, HEMKER & GALE, P.C.

By   
Jason L. Ross

JLR/kka  
Enclosures  
534357.1

cc: Eric Anderson, Esq.  
Michael Dandino, Esq.  
Sondra Morgan, Esq.  
Mary Ann Young, Esq.  
Mr. John T. Davis

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

Application of Level 3 Communications,	)	
L.L.C. to Expand its Certificate of Service	)	
Authority to Provide Local Exchange	)	Case No. TA-2002-376
Telecommunications Statewide	)	

**MOTION FOR CLARIFICATION  
AND/OR APPLICATION FOR REHEARING**

**COMES NOW** Fidelity Telephone Company ("Fidelity"), by its undersigned counsel, and, pursuant to § 386.500.1 RSMo 2000, files its Motion for Clarification and/or Application for Rehearing. In support of its Motion, Fidelity states to the Missouri Public Service Commission ("Commission") as follows:

1. Fidelity hereby adopts, in its entirety, the Motion for Clarification and/or Application for Rehearing filed by certain members of Small Telephone Company Group on or about April 26, 2002 ("STCG's Motion").
2. Fidelity has been requested, and, upon information and belief, other rural incumbent local exchange carriers in Missouri have been requested, by Level 3 to enter into a so-called "Mutual Traffic Exchange Agreement," pursuant to which Level 3 proposes to provide, or to allow its internet service provider customers to provide, dial-up internet or other information services to end-users located in rural-LEC exchanges.
3. Fidelity was misled by the Notice of Application in this proceeding, because the Notice suggested that only "nonswitched" local exchange authority was being sought, and did not reference that such authority was being sought in Fidelity's exchanges or even statewide for that matter.
4. Further, the Application of Level 3 does not adequately represent the types of services Level 3 is proposing to offer in the rural-LEC exchanges, or how such services will be provided.

5. Based on the services that Level 3 is proposing to provide in Fidelity's exchanges, namely dial-up (switched) information services, Fidelity fails to see how Level 3 qualifies as a "telecommunications" carrier in its exchanges.

6. Further, contrary to Level 3's statement in Paragraph 2 of its Application, Level 3 seeks to do more than exchange traffic with the rural LECs, and is seeking to interconnect with such LECs in a manner that implicates the rural exemption under 47 U.S.C § 251(f).

7. Finally, the Commission's Order does not comply with § 392.451 RSMo 2000, in that the Commission did not require Level 3 to show, and did not itself make, the required findings prior to granting basic local exchange authority in an area served by a small incumbent local exchange telecommunications company.

**WHEREFORE**, for above-cited reasons and the reasons set forth in STCG's Motion, Fidelity Telephone Company respectfully requests that that the Commission clarify its Order as to the type of service authority that has been granted to Level 3 in this proceeding, and in addition or in the alternative, grant rehearing.

Respectfully submitted,

**GREENSFELDER, HEMKER & GALE, P.C.**

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Attorneys for  
Fidelity Telephone Company

### CERTIFICATE OF SERVICE

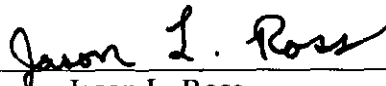
I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered or mailed, postage prepaid, this 29<sup>th</sup> day of April, 2002 to:

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