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Missouri Public
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

FILED²

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Missouri Public
Service Commission

In the Matter of the Application of)
Green Hills Area Cellular Telephone, Inc.)
d/b/a Green Hills Telecommunications Services)
for Designation as a Telecommunications)
Company Carrier Eligible for Federal Universal)
Service Support pursuant to § 254 of the)
Telecommunications Act of 1996.)

Case No. CO-2003-0162

STIPULATION AND AGREEMENT

On October 31, 2002, Green Hills Area Cellular Telephone, Inc. d/b/a Green Hills Telecommunications Services ("GHTS"), filed an Application with the Missouri Public Service Commission ("Commission") requesting that the Commission designate it as a telecommunications carrier eligible under the provisions of 47 CFR 54.201(d) to receive federal universal service support. On November 14, 2002, the Commission issued an Order Directing Notice in which it directed that notice be sent to all certificated telecommunications carriers in Missouri and gave those companies until December 4, 2002, to request intervention. Also on November 14, the Office of Public Counsel ("Public Counsel") filed a Motion for Evidentiary Hearing. On December 3, 2002, the Missouri Independent Telephone Group ("MITG") filed a timely application to intervene.¹

As a result of meetings and discussions between the parties ("Parties") concerning the above-described transactions, the parties to this Stipulation and Agreement reached the following

¹The Missouri Independent Telephone Group is comprised of Alma Telephone Company, Chariton Valley Telephone Corporation, Choctaw Telephone Company, Mid-Missouri Telephone Company, Modern Telecommunications Company, MoKan Dial, Inc. and Northeast Missouri Rural Telephone Company.

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agreements and make the following recommendations to the Commission.

Facts

1. Green Hills Telecommunications Services is a fictitious name registered with the Missouri Secretary of State. Green Hills Area Cellular Telephone, Inc. is the owner of the fictitious name.

2. Green Hills Area Cellular Telephone, Inc. d/b/a Green Hills Telecommunications Services ("GHTS") is a competitive local exchange company ("CLEC") certificated by the Commission in Case No. TA-98-380 to provide basic local telecommunications service in portions of the State of Missouri. The Commission approved an interconnection agreement between GHTS and Sprint Missouri, Inc. ("Sprint") in Case No. TO-99-75. Pursuant to tariffs approved by the Commission, GHTS provides basic local telecommunications service through the use of its own facilities in one Sprint exchange, Norborne.

3. In its Application, GHTS seeks designation as an eligible telecommunications carrier ("ETC") only as a CLEC providing basic local telecommunications service and only in the service area of the Norborne exchange. Green Hills Area Cellular Telephone, Inc., is not seeking ETC designation as a cellular company, nor is GHTS seeking ETC designation in any service area served by the cellular company.

4. GHTS, through its own facilities, offers all of the services supported by federal universal service support under § 254(c) of the Act. Specifically, GHTS offers the following services:

- (1) Voice grade access to the public switched network;
- (2) Local usage;

- (3) Dual tone multi-frequency signaling or its functional equivalent;
- (4) Single-party service or its functional equivalent;
- (5) Access to emergency services;
- (6) Access to operator services;
- (7) Access to interexchange service;
- (8) Access to directory assistance; and
- (9) Toll limitation for qualifying low-income consumers.²

5. GHTS advertises the availability of and charges for such services using media of general distribution within its service area. An Affidavit of Publication showing proof of such advertising was attached to its verified Application as Appendix C.

6. GHTS acknowledges that 47 CFR 54.405 requires all eligible telecommunications carriers to make Lifeline services (as defined in 47 CFR 54.401) available to qualifying low-income consumers. Lifeline services are available to qualifying low-income consumers in its service area.

7. GHTS does not have any pending action, or final unsatisfied judgment or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of the application.

²On December 30, 1997, the FCC changed its definition of toll-limitation services in its Fourth Order on Reconsideration of the Universal Service Report and Order, CC Docket Nos. 96-45 et al. The FCC stated, "we define toll-limitation services as either toll blocking or toll control and require telecommunications carriers to offer only one, and not necessarily both, of those services at this time in order to be designated as eligible telecommunications carriers." Id. at 2103. MTCC currently offers toll blocking service to qualifying customers.

8. GHTS does not have any annual reports or assessment fees that are overdue.

Stipulation and Agreement

Section 214(e)(1) of the Act states that a carrier may be designated as an eligible telecommunications carrier and therefore receive universal service support so long as the carrier, throughout its service area: (1) offers the services that are supported by federal universal service support mechanisms under section 254(c) of the Act; (2) offers such services using its own facilities or a combination of its own facilities and resale of another carrier's services, including the services offered by another eligible telecommunications carrier; and (3) advertises the availability of and charges for such services using media of general distribution.

Title 47 of the Code of Federal Regulations § 54.201(b) states that the Commission shall, on its own motion or upon request, designate a common carrier an "eligible telecommunications carrier" so long as the carrier meets the requirements of 47 CFR 54.201(d). Title 47 CFR § 54.201(c) further states that a state commission shall designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the state commission so long as the additional requesting carrier meets the requirements of § 54.201(d).

Based upon its verified Application and the provisions of this Stipulation and Agreement, GHTS asserts, and no party makes a contrary assertion, that there is sufficient evidence from which the Commission should find and conclude that:

9. GHTS, through its own facilities, offers all of the services supported by federal universal service support under § 254(c) of the Act. Specifically, GHTS offers the following

services:

- (1) Voice grade access to the public switched network;
- (2) Local usage;
- (3) Dual tone multi-frequency signaling or its functional equivalent;
- (4) Single-party service or its functional equivalent;
- (5) Access to emergency services;
- (6) Access to operator services;
- (7) Access to interexchange service;
- (8) Access to directory assistance; and
- (9) Toll limitation for qualifying low-income consumers.³

10. As shown by the Affidavit of Publication attached to the Application, GHTS advertises the availability of and charges for its services using media of general distribution within its service area.

11. Section 47 CFR 54.405 requires all eligible telecommunications carriers to make Lifeline services (as defined in 47 CFR 54.401) available to qualifying low-income consumers. Lifeline services are available to qualifying low-income consumers in the GHTS service area.

12. GHTS does not have any pending action, or final unsatisfied judgment or decisions against it from any state or federal agency or court which involve customer service or rates,

³On December 30, 1997, the FCC changed its definition of toll-limitation services in its Fourth Order on Reconsideration of the Universal Service Report and Order, CC Docket Nos. 96-45 et al. The FCC stated, "we define toll-limitation services as either toll blocking or toll control and require telecommunications carriers to offer only one, and not necessarily both, of those services at this time in order to be designated as eligible telecommunications carriers." Id. at 2103. MTCC currently offers toll blocking service to qualifying customers.

which action, judgment or decision has occurred within three (3) years of the date of the application.

13. GHTS does not have any annual reports or assessment fees that are overdue.

14. Designating GHTS as an ETC in the Norborne exchange is in the public interest because the granting of this Application will expand the availability of innovative, high quality and reliable telecommunications services, and further stimulate economic development, within the State of Missouri.

15. In the event that the Commission accepts the specific terms of this Stipulation and Agreement, the parties and participants waive, with respect to the issues resolved herein, their respective rights pursuant to Sections 536.070(2) and 536.080.1, RSMo 2000, to present testimony, to cross-examine witnesses, to present oral argument or written briefs, their respective rights to the reading of the transcript by the Commission pursuant to Section 536.080.2, RSMo 2000, and their respective rights to seek rehearing pursuant to Section 386.500, RSMo 2000, and their respective rights to seek judicial review pursuant to Section 386.510, RSMo 2000. The parties agree to cooperate in presenting this Stipulation and Agreement to the Commission for approval and shall take no action, direct or indirect, in opposition to the request for approval of the application made herein.

16. The Staff shall file suggestions or memoranda in support of this Stipulation and Agreement, and the Staff shall have the right to provide, at any agenda meeting at which the Stipulation and Agreement is noticed to be considered by the Commission, whatever oral explanation the Commission requests; provided the Staff shall provide, to the extent reasonably practical, the other parties and participants with advance notice of when the Staff shall respond

to the Commission's request for such explanation once such explanation is requested from the Staff. Staff's oral explanation shall be subject to public disclosure except to the extent that it refers to matters that are privileged or protected by disclosure pursuant to any protective order that may be issued in this case.

Based on the foregoing, the Parties recommend that the Commission designate GHTS as a telecommunications carrier eligible under the provisions of 47 CFR 54.201(d) to receive federal universal service support in the Norborne exchange.

Respectfully submitted,

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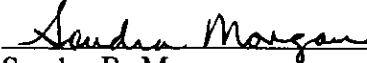
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or hand-delivered on this 9th day of January, 2003, to the following parties:

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