

**BEFORE THE
MISSOURI PUBLIC SERVICE COMMISSION**

In the Matter of Tariff No. 3 of)	
Time Warner Cable Information Services)	Case No. LT-2006-0162
(Missouri), LLC d/b/a Time Warner Cable)	Tariff File No. JL-2006-0231

**Application to Intervene
Opposition to Tariff**

Comes now the Missouri Independent Telephone Company Group (“MITG”), comprised of Alma Communications Company d/b/a Alma Telephone Company, Chariton Valley Telephone Corporation, Choctaw Telephone Company, Mid-Missouri Telephone Company, MoKan DIAL, Inc., and Northeast Missouri Rural Telephone Company, for its Application to Intervene, Opposition to Tariff, and states as follows:

1. The MITG is comprised of six small rural incumbent local exchange companies, who are also classified as Rural Telephone Companies under the Telecommunications Act of 1996. MITG members provide local, basic local, and exchange access services.

2. The MITG companies are subject to the regulatory supervision of the Missouri Public Service Commission.

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

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4. This case was created as a result of Time Warner's September 23, 2005 proposed PSC Mo No. 3 Tariff which would replace prior tariffs approved as a result of predecessor docket LT-2004-0523.

5. The MITG participated as a party in predecessor docket LT-2004-0523. Generally, as pertains to VOIP providers, the MITG companies are interested in three material matters: the manner in which VOIP providers will be permitted to compete with regulated incumbent and competitive local exchange companies; to what extent VOIP providers are subject to regulation by the Missouri Public Service Commission; and ensuring that VOIP originated traffic delivered to MITG networks for termination is properly handled to assure appropriate intercompany compensation.

6. Based on information available and understood by the MITG at this time, it appears that Time Warner desires the benefits of MoPSC certification as a competitive local exchange company, but also desires tariff or regulatory flexibility not afforded other CLECs. Specifically Time Warner proposes to delete specified rates for telecommunications service tariffs and replace specified rates with individual case basis charges (ICB).

7. The MITG disagrees that Time Warner should be allowed ICB tariffs for services it provides under its CLEC basic local certificate obtained in LT-2004-0523. The MITG disagrees that Time Warner's putative status as a VOIP provider allows it to possess the benefits of a CLEC certificate and opt for deregulation of certain aspects of services provided pursuant to that certificate. Time Warner should be required to comply

with all statutes and rules regulating certificated CLECs, particularly those applicable to the provision of CLEC basic local services.

8. Based on the information available and understood by the MITG at this time, the MITG opposes the tariff submission of Time Warner. The tariff proposal is in contravention to 392.450 RSMo, 392.220 RSMo, and 4 CSR 240.3.545.

9. As set forth above, the interests of the MITG are different from those of the general public.

10. The MITG has expertise, insights, and analysis which may assist the Commission in understanding the impacts of the issues raised by the tariffs here at issue.

11. Granting this intervention application is in the public interest.

WHEREFORE, on the basis of the foregoing, the MITG respectfully requests that this application to intervene and participate as a party be granted.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this pleading was electronically mailed to the following attorneys of record in this proceeding this 2nd day of November, 2005:

William Haas
Michael Dandino
Paul DeFord

/s/ Craig S. Johnson
Craig S. Johnson