

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

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Missouri Public
Service Commission

In the Matter of the Application of)
)
CenturyTel Solutions, LLC)
)
for Certificate of Service Authority to Provide)
Basic Local Exchange, Interexchange and)
Local Exchange Telecommunications)
Services in the State of Missouri)
and for Competitive Classification.)

Case No. LA-2004-0105

**RESPONSE IN OPPOSITION TO MITG
NOTICE REGARDING INTERVENTION**

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 "Notice of Continued Intervention" filed by the Missouri Independent Telephone Company Group ("MITG") on November 18, 2003. In support of this Response, Respondent states as follows:

1. On November 12, 2003, this Commission issued its Order Granting Motion For Leave To Amend By Interlineation Application For Certificate Of Service Authority and Competitive Classification and Order Directing Filing, whereby CTS was allowed to amend its application to delete its request for certification to provide basic local exchange telecommunications services in exchanges served by CenturyTel of Missouri, LLC and Spectra Communications Group, LLC d/b/a CenturyTel. In light of this amendment, the Commission also ordered MITG "to inform the Commission whether it still wishes to intervene." (Order at 2).

2. On November 18, 2003, MITG filed its Notice of Continued Intervention, "informing the Commission that it does wish to continue its intervention in this

proceeding.” However, CTS would respectfully point out that MITG has not been granted intervention in this proceeding, as reflected in the language of this Commission’s Order of November 12, *supra*.

3. Indeed, CTS previously filed its Response in Opposition to MITG Application to Intervene and Request for Hearing on October 6, 2003, and specifically addressed “the MITG attempt to interject additional issues relating to CTS’s interexchange carrier (“IXC”) certification, in particular the utilization of Feature Group D protocols.” CTS pointed out that the MITG application to intervene concerning the IXC certificate was filed out of time, pursuant to the Commission’s Notice regarding intervention which established specific deadlines in this matter. In addition, CTS observed that 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. (CTS Response, page 4).

4. In their most recent pleading, MITG now attempts to interject a new basis for obstructing CTS’s IXC certification by claiming “the MITG has remaining concerns with applicant being certified to provide interexchange and non-switched local exchange services within the service areas of its parent/affiliates.” However, as the Commission Staff points out in their Recommendation filed in this matter on November 26: “The MITG did not identify or provide any support for its remaining concerns.”

5. In its positive Recommendation, Staff also points out that MITG's alleged "concerns" would, indeed, subject CTS to disparate and discriminatory treatment.

The Staff is not aware of an instance where the Commission prevented an interexchange service provider from serving areas also served by an affiliated incumbent local exchange carrier ("ILEC"). **The Staff is aware of at least one of the ILECs belonging to the MITG, Mid-Missouri Telephone Company, certificated to provide interexchange service throughout the State of Missouri, including the exchanges served by its ILEC.**¹ (Staff Recommendation, p. 2, emphasis added).

6. In the attached Memorandum (Appendix A) to the Staff Recommendation, Staff explicitly states that it is opposed to MITG's intervention.

On November 18, 2003, The Missouri Independent Telephone Company Group (MITG) filed a Notice of Continued Intervention, in which MITG declared its concern with the Applicant's proposed certification to provide Interexchange and Unswitched Local Exchange services in the service areas of affiliated Incumbent Local Exchange Carriers (ILECs). Except for wishing to continue its intervention in the instant Case, MITG did not specify or explain the reasons for its said concern. **The Staff is opposed to MITG's continued intervention. The Staff recommends the Commission grant CenturyTel Solutions' certificates of operating authority without hearing. Historically, the Staff is unaware of any incidence in which a toll service provider was restricted in its service areas.** The Staff has no objection to the proposed Applicant receiving Interexchange and Unswitched Local Exchange certification statewide in addition to Basic Local Exchange certification only in the service areas of SBC-MO and Sprint. (Staff Memorandum, emphasis added).

7. Finally, CTS would respectfully refer the Commission to another proceeding in which Staff responds to the MITG allegations regarding transiting traffic and FGD protocols, noting that "unfortunately, the issues brought up by the MITG contain nothing new."

The MITG also raises questions of "transiting" traffic. Unfortunately, the issues brought up by the MITG contain nothing new. At this time, it is unknown

¹ In the Matter of the Application of Mid-Missouri Telephone Company for Certificates of Authority to Provide Interexchange Private Line and Non-Switched Local Telecommunications Services in the State of Missouri, Case No. TA-2000-290, *Order Approving Interexchange and Non-Switched Local Exchange Certificates of Service Authority and Order Approving Tariff*, December 2, 1999.

if Time Warner will elect to send intraLATA transiting traffic to MITG companies (or whether such traffic will be routed to an IXC Point-of-Presence). However, if it chooses to have its traffic transited, such traffic will undoubtedly be delivered to MITG member companies on an indirect basis from SBC Missouri who, as the incumbent transiting carrier in Kansas City, would be expected to transit Time Warner's intraLATA traffic. In any regard, many C-LECs choose to have SBC Missouri transit intraLATA traffic and the MITG raises no new issue with such traffic that is not already being addressed in other procedures currently on-going at the Commission. The Staff submits that Time Warner should not be kept from going into business simply because the intraLATA business relationships are not conducive to the way MITG would have them to be.

(Staff Memorandum attached to Staff Recommendation, Case No. LA-2004-0133, *Time Warner Cable Information Services (Missouri), LLC*).

WHEREFORE, CenturyTel Solutions, LLC respectfully requests that the Commission deny the MITG's Application to Intervene and, as the Staff Recommendation suggests, grant CenturyTel Solutions, LLC a certificate to provide basic local, interexchange and local exchange telecommunications services, restricted to dedicated, private line services; grant CTS competitive classification; and approve the waivers listed in the Notice of Applications.

Respectfully submitted,



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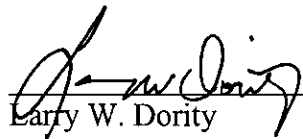
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I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered, transmitted by e-mail or mailed, First Class, postage prepaid, this 1st day of December, 2003, to:

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