

**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

**TIME WARNER’S OPPOSITION TO INTERVENTION**

TIME WARNER CABLE INFORMATION SERVICES (MISSOURI), LLC d/b/a Time Warner Cable (“TWCIS”) respectfully submits to the Missouri Public Service Commission (the “Commission”) this opposition to the Application to Intervene of the Small Telephone Company Group (“STCG”). The Application fails to assert facts that satisfy the Commission’s criteria for intervention and should therefore be denied. In support of its opposition, TWCIS states as follows:

1. The standard for intervention in Commission proceedings is set forth at 4 CSR 240-2.075. The Commission may authorize intervention on a showing that: (a) the proposed intervenor has an interest different than that of the general public that may be adversely affected by a final order in the case; or (b) granting the proposed intervention would serve the public interest. STCG’s proposed intervention does not meet either of these tests.

2. STCG indicates that it is interested in three specific issues. First, it is interested in the regulatory treatment of VoIP services in Missouri. To the extent that VoIP providers compete with STCG’s companies, STCG should address such issues in separate proceedings on the individual facts and merits of the issues. This issue is clearly not relevant to the tariff filing, as the TWCIS tariff in question does not include any VoIP services. TWCIS’ instant tariff filing addresses only TWCIS’ rights, duties and obligations with respect to the provision of telecommunications services that in no way affect STCG. TWCIS

does not directly compete with any of STCG's companies with respect to the provisioning of its telecommunications offerings. With respect to the provision of VoIP-based services, the Federal Communications Commission ("FCC") has preempted state regulatory authority regarding certain matters relating to those communications and has not yet classified VoIP-based services as telecommunications services or otherwise. Additionally, proceedings that may further define state regulatory authority over VoIP remain pending before the FCC. Clearly this proceeding would be an inappropriate forum in which to determine the extent to which state regulatory bodies, such as this Commission, will have authority to regulate VoIP providers, particularly given the FCC's pronouncements on those issues.

3. The second and third matters of interest to STCG are issues related to the recording and reporting of interexchange traffic and intercompany compensation, respectively. Nothing in TWCIS' tariff filing even remotely raises these issues. The tariff filing does not alter record keeping, reporting or the intercompany compensation arrangements that apply to the telecommunications traffic between TWCIS and all other companies, including STCG's companies. If STCG believes that it is not receiving appropriate intercompany compensation for TWCIS telecommunications tariff, it should file a complaint in which such issues can be appropriately addressed on their merits.

4. STCG reiterates Staff's assertions that TWCIS is seeking to avail itself of the benefits of the FCC's Vonage decision without the associated detriments and that TWCIS wants the benefits of keeping its basic local certificate without the supposed detriment of tariffing basic local rates. STCG's and Staff's assertions are absolutely wrong. TWCIS' tariff simply deletes from its tariff the provisions relating to Time Warner Cable's IP-enabled Digital Phone offering and incorporates into the tariff the provisions for private line and local services which have been previously approved for Time Warner Cable, an affiliate of

TWCIS. Upon approval of the tariff, TWCIS will remain a regulated entity with no greater pricing flexibility than it and its affiliate had prior to approval.

5. With respect to demonstrating that its participation in this proceeding would further the public interest, STCG states only that its "...expertise and perspectives related to providing telecommunications services in Missouri will aid the Commission in resolving the issues in this case." However, as the "issues" identified by STCG are either not relevant or nonexistent, this conclusory statement about STCG's expertise is clearly insufficient to show that the public interest would be promoted by its participation in this proceeding. In fact, any delay in approval of the tariff is detrimental to the public interest.

6. Because the "issues" identified by STCG are not raised by TWCIS' tariff filing, it is not possible that STCG's interests could be adversely affected by a final order in this case. Similarly, STCG has made no showing that its participation would serve the public interest. STCG has not met either of the standards necessary to be granted intervention.

WHEREFORE, for the reasons set forth above, STCG's Application to Intervene should be denied.

Respectfully submitted,

LATHROP & GAGE, L.C.

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Dated: November 22, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Time Warner's Opposition to Intervention has been hand-delivered, transmitted by e-mail or mailed, First Class, postage prepaid, this 22nd day of November, 2005, to:

**Case No. LT-2006-0162**

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