

**BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION**

In the Matter of the Application of Big	)	
River Telephone Company, LLC to	)	
Expand its Certificate of Basic Local	)	Case No. TA-2007-0093
Service Authority to Include Provision	)	
of Basic Local Exchange	)	
Telecommunications Services in the	)	
Exchanges of BPS Telephone Company	)	
and to Continue to Classify the	)	
Company and its Services as Competitive.	)	

**SUGGESTIONS IN OPPOSITION  
TO MOTION FOR REHEARING**

COMES NOW Big River Telephone Company, LLC ("Big River") pursuant to 4 CSR 240-2.080(15) and for its Suggestions in Opposition to Motion for Rehearing states to the Commission:

1. The Commission should deny the Motion for Rehearing filed by BPS Telephone Company ("BPS") in that BPS does not provide any legitimate basis for its motion, and does not raise any new issues. BPS simply rehashes arguments already disposed of by the Commission.
2. Contrary to BPS's assertions, the evidence showed, and the Commission correctly applied the pertinent statute (392.451) in deciding, that Big River was entitled to the certificate of service authority regarding the BPS territory granted by the Commission.
3. Section 392.451.2(2) is prospective, requiring the successful applicant for a certificate of service authority to meet minimum service standards, including quality of service and billing standards. The evidence shows that BPS is committed to meeting these standards, and the Commission clearly has required it to do so. There is no ambiguity in the Report and Order.

4. Section 392.451.2(1) is prospective, requiring the successful applicant to file and maintain tariffs. The evidence shows that Big River is committed to meeting this requirement, and the Commission clearly has directed it to do so. There is no ambiguity in the Report and Order.

5. The parties fully briefed and argued the issue concerning Section 392.451.2(4). BPS continues to improperly isolate one sentence from Chapter 392 and fails to consider that sentence in the context of the rest of the statutes. The Commission fully explored this issue and correctly resolved it. The Commission has required Big River to meet the requirements of Section 392.451.2(4). It in no way rendered the particular sentence meaningless.

6. The record shows that Big River provides equal access to long distance providers. Likewise, the record shows that Big River offers basic local service as a separate and distinct service. It is ludicrous for BPS to pretend that these are in any way legitimate issues. BPS relies on an intentionally vague and incomplete summary of a single hearsay conversation. The Commission properly refused to base a decision on such self-serving "information".

7. The statutes do not in any way suggest that the Commission is supposed to audit applicants for certificate of service authority.

8. The fact that consumers in BPS's territory will finally have a legitimate choice in landline providers (and rates) is more than sufficient evidence that Big River's application will promote the public interest. It is unconscionable for BPS to strive to preserve its monopoly by contending that a new competitor will not promote competition. The statute does not require applicants to introduce new services upon market entry.

9. The record shows that Big River intends to provide service throughout the BPS exchanges. The Commission correctly reached this conclusion.

10. The prior failure of another applicant (MSDT) to comply with Commission requirements is irrelevant to this case. What is pertinent is that BPS's arguments in this case are directly contrary to its prior representations to this Commission.

11. Big River has never before been subject to the advertising requirements of Section 392.451.1(2). It has never before operated in a small LEC exchange in Missouri. Its prior advertisements are irrelevant.

12. Big River incorporates its Brief by reference in further response to the Motion for Rehearing.

13. BPS could not meet the standards it seeks to impose on Big River. The record shows that it intentionally overcharged its customers and was willing to do almost anything to forestall a rate complaint. The record shows that it is equally willing to abruptly reverse course and change all its arguments to deny its customers a competitive choice. The Commission correctly repudiated these efforts in its Report and Order.

14. The Commission's Report and Order correctly decided this case. BPS's Motion for Rehearing is a frivolous last-ditch effort to delay competition. The Commission should deny the motion consistent with its standard practice of rejecting such motions that simply rehash prior arguments.

WHEREFORE, Big River urges the Commission to deny the Motion for Rehearing.

Respectfully submitted,

CURTIS, HEINZ,  
GARRETT & O'KEEFE, P.C.

/s/ Carl J. Lumley

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I hereby certify that a true and correct copy of this document was emailed to the parties listed below on this 11th day of May, 2007.

/s/ Carl J. Lumley

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