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March 21, 2000

**FILED<sup>3</sup>**

MAR 21 2000

Missouri Public  
Service Commission

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

**Re: NEWPATH HOLDINGS, INC.**  
**Case No. TA-2000-491**

Dear Mr. Roberts:

Enclosed please find the original plus fourteen (14) copies of Application to Intervene for filing on behalf of the Small Telephone Company Group in the above referenced matter. Please bring this matter to the attention of the appropriate Commission personnel. A copy of this filing is being sent to all parties of record.

Thank you for your attention to this matter.

Very truly yours,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:

  
Sondra B. Morgan

SBM/k

Enclosures

cc: Office of Public Counsel  
Dan Joyce  
Brad I. Pearson  
Lawrence R. Freedman

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>3</sup>

MAR 21 2000

Missouri Public  
Service Commission

In the Matter of the Application )  
of NEWPATH HOLDINGS, INC. )  
for a Certificate of Service Authority )  
to Provide Switched and Dedicated Resold )  
and Facilities-Based Local Exchange )  
Telecommunications Services and )  
Facilities-Based Local Exchange )  
Telecommunications Services within the )  
State of Missouri and to Classify Said )  
Services and the Company as Competitive. )

Case No. TA-2000-491

APPLICATION TO INTERVENE

Come now the Small Telephone Company Group, which companies are set out in Attachment A, (hereinafter referred to as "Applicants") and in support of their Application to Intervene in the above-captioned matter state that:

1. Applicants currently provide telecommunications services to members of the public located in those areas certificated to them by the Missouri Public Service Commission ("Commission"). As is relevant to this case, Applicants provide "basic local telecommunications services" within the exchanges as defined by their respective tariffs which are on file with and approved by the Commission. Applicants are "telecommunications companies" and "public utilities" as those terms are defined by § 386.020, RSMo Supp. 1998, and are, therefore, subject to the jurisdiction, regulation and control of the Commission as provided by law. Applicants also are rural telephone companies and incumbent local exchange carriers as defined by the Federal Telecommunications Act of 1996 (the "Act").

2. All correspondence, communications, orders and decisions in this matter should be addressed to the following:

W. R. England, III  
Sondra B. Morgan  
Brydon, Swearngen & England P.C.  
P.O. Box 456  
Jefferson City, Missouri 65102  
(573) 635-7166

3. On February 10, 2000, NewPath Holdings, Inc. ("NewPath") filed an Application requesting a certificate of service authority to provide switched and dedicated resold and facilities-based basic local exchange telecommunications service and facilities-based local exchange service in the State of Missouri. Specifically, NewPath wishes to provide switched and dedicated basic local exchange telecommunications service on a facilities and resold basis throughout the State of Missouri.

4. The Commission issued its Order and Notice setting an intervention deadline of March 23, 2000.

5. The Small Telephone Company Group files this Application to Intervene in the instant proceeding on the grounds that the granting or denying of a certificate of service authority to provide basic local telecommunications services throughout the State of Missouri will directly affect Applicants' interests as providers of telecommunication services in Missouri. Applicants thus have an interest in this proceeding that is different from that of the general public. In addition, Applicants' expertise in and perspective on the provision of telecommunications services in this State will aid the Commission in resolving the issues related to this proceeding. Consequently, their intervention and participation will serve the public interest.

WHEREFORE, the Small Telephone Company Group respectfully requests that the Commission issue an order authorizing it to intervene in the above-captioned proceedings and for such other orders as are reasonable in the circumstances.

Respectfully submitted,

Sandra B. Morgan  
W. R. England, III                      MoBar #23975  
Sondra B. Morgan                      MoBar #35482  
BRYDON, SWEARENGEN & ENGLAND P.C.  
P.O. Box 456  
Jefferson City, Missouri 65102  
(573) 635-7166

Attorneys for  
The Small Telephone Company Group

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was mailed, United States Mail, postage prepaid, this 31<sup>st</sup> day of March, 2000, to:

Michael Dandino  
Office of Public Counsel  
P. O. Box 7800  
Jefferson City, MO 65102

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Suite 600  
Washington, D.C. 20036

Sandra B. Morgan  
Sondra B. Morgan

## **SMALL TELEPHONE COMPANY GROUP**

BPS Telephone Company,  
Cass County Telephone Company,  
Citizens Telephone Company of Higginsville, Missouri, Inc.,  
Craw-Kan Telephone Cooperative, Inc.,  
Ellington Telephone Company,  
Farber Telephone Company,  
Goodman Telephone Company, Inc.,  
Granby Telephone Company,  
Grand River Mutual Telephone Corporation,  
Green Hills Telephone Corporation,  
Holway Telephone Company,  
KLM Telephone Company,  
Kingdom Telephone Company,  
Lathrop Telephone Company,  
Le-Ru Telephone Company,  
Mark Twain Rural Telephone Company,  
McDonald County Telephone Company,  
Miller Telephone Company,  
New Florence Telephone Company,  
New London Telephone Company,  
Orchard Farm Telephone Company,  
Oregon Farmers Mutual Telephone Company,  
Ozark Telephone Company,  
Peace Valley Telephone Company,  
Rock Port Telephone Company,  
Seneca Telephone Company,  
Steelville Telephone Exchange, Inc.  
Stoutland Telephone Company