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December 26, 2002

FILED²

DEC 26 2002

Missouri Public
Service Commission

Dale Hardy Roberts
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Re: Case No. CO-2003-0094

Dear Mr. Roberts:

Enclosed for filing on behalf of the Small Telephone Company Group, please find an original and eight (8) copies of an Application to Intervene.


Would you please see that this filing is brought to the attention of the appropriate Commission personnel.

I thank you in advance for your cooperation in this matter.

Sincerely yours,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:



Sondra B. Morgan

SBM/lar

Enclosure

cc: Michael Dandino
Dan Joyce
Mary Ann (Garr) Young

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²
DEC 26 2002
Missouri Public
Service Commission

In the Matter of the Application)
of The Pager Company d/b/a)
The Pager & Phone Company)
for Designation as a Telecommunications)
Carrier Eligible for Federal) Case No. CO-2003-0094
Universal Service Support Pursuant)
to Section 254 of the Telecommunications)
Act of 1996.)

APPLICATION TO INTERVENE

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

1. The member companies of the Applicant 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, the member companies provide "basic local telecommunications services" within the exchanges as defined by their respective tariffs which are on file with and approved by the Commission. The companies are "telecommunications companies" and "public utilities" as those terms are defined by § 386.020, RSMo 2000, and are, therefore, subject to the jurisdiction, regulation and control of the Commission as provided by law. The companies also are rural telephone companies and incumbent local exchange carriers as defined by the Federal Telecommunications Act of 1996 (the "Act"). The companies are all eligible telecommunications carriers for purposes of receiving Federal Universal Service Fund monies.

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

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3. On September 6, 2002, The Pager Company d/b/a The Pager & Phone Company ("PagerCo") filed an Application requesting designation as an eligible telecommunications carrier ("ETC") pursuant to Section 254 of the Telecommunications Act of 1996. On November 8, 2002, PagerCo filed an Amended Application. In its amended application PagerCo states that it seeks ETC certification for Lifeline and Linkup services only. PagerCo also states that while it does not currently offer all of the services required for ETC designation, it plans to do so in the future.

4. To Applicant's knowledge, the Commission has not issued any Notice of this application to other telecommunications carriers in the state and no intervention deadline has been set. Applicant files this Application to Intervene as soon as it became aware of the application.

5. The Small Telephone Company Group files this Application to Intervene in the instant proceeding on the grounds that the grant of eligible telecommunications carrier designation to PagerCo may affect the member companies and their ability to provide telecommunications services in their certificated exchanges. Applicant has several concerns regarding this application for ETC designation. First, Applicant cannot determine with any certainty from the Amended Application exactly for what area PagerCo is requesting the designation. In paragraph 7 of the

Application, PagerCo states that it intends to "bring the benefits of UNE-P to prepaid customers in Missouri," and in paragraph 9 it lists several Missouri counties where it seeks the certification "where Southwestern Bell Telephone Company is certified as the incumbent local exchange company." Several of the member companies also provide service in the counties listed, so the STCG would like for the PagerCo to clarify that it does not seek ETC designation in any of those service areas. Secondly, Applicant does not believe that the Commission can designate PagerCo as an ETC without a clear showing that PagerCo **currently** offers the services required under Section 254(c) of the Federal Telecommunications Act of 1996. Other companies who have requested ETC designation have been required to show proof to the Commission that the company currently offers and advertises the required services. In other words, PagerCo has put the cart before the horse, in that it asks for the designation first so that they can provide the services later. And finally, Applicant does not believe that the Federal Statute allows the Commission to designate PagerCo as an ETC for the limited purpose of reimbursement for Lifeline and Linkup services. Therefore, Applicant seeks intervention in this case in order to protect its interests in providing basic local exchange service to the customers located within the member companies' service areas. Based on the limited information in the application, Applicant opposes the application.

6. Applicant thus has an interest which is different from that of the general public and its interests may be adversely affected by the final order arising from this case. Furthermore, its intervention and participation will serve the public interest.

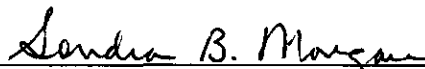
7. With the one exception noted in the footnote below, none of the member companies of the STCG has any pending action or final unsatisfied judgments or decisions against them from

any state or federal agency or court which involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of the application.¹

8. None of the member companies of the STCG has any annual report or assessment fees which are overdue.

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,



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Attorneys for
The Small Telephone Company Group

¹Case No.TC-2002-1076 presently pending before the Commission involves a complaint by the Commission's Staff regarding the earnings of BPS Telephone Company that could affect BPS's rates. However, Case No. IO-2003-0012 also pending before the Commission involves the election by BPS to be regulated under the price cap statute, § 392.245, RSMo. On November 4, 2002, the Commission issued a Notice stating that it would take no further action in Staff's complaint case "until the issue regarding the price cap status of BPS Telephone Company is resolved in Commission Case No. IO-2003-0012."

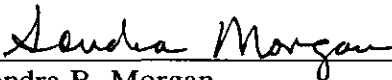
Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was mailed, United States Mail, postage prepaid, this 26th day of December, 2002, to:

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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,
Fidelity Telephone Company,
Goodman Telephone Company, Inc.,
Granby Telephone Company,
Grand River Mutual Telephone Corporation,
Green Hills Telephone Corporation,
Holway Telephone Company,
Iamo 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