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May 12, 2000

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General Counsel

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

RE: Case No. TA-2000-591

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of a **STAFF RECOMMENDATION**.

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

William K. Haas
Deputy General Counsel
(573) 751-7510
(573) 751-9285 (Fax)

WKH/df
Enclosure
cc: Counsel of Record

FILED²

MAY 12 2000

Missouri Public
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

MAY 12 2000

Missouri Public
Service Commission

In the Matter of the Application of Mark)
Twain Communications Company for)
Designation as a Telecommunications)
Company Carrier Eligible for Federal)
Universal Service Support Pursuant to)
Section 254 of the Telecommunications)
Act of 1996.)

Case No. TA-2000-591

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its recommendations states:

1. On March 22, 2000, Mark Twain Communications Company (Mark Twain) filed with the Missouri Public Service Commission (Commission) an application requesting designation as an eligible telecommunications carrier pursuant to the Telecommunications Act of 1996 and implementing regulations.
2. Section 47 U.S.C.A. § 214(e)(2) provides that a state commission shall upon its own motion or upon request designate a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier. Paragraph (1) states that a carrier designated as an eligible telecommunications carrier, and thus eligible to receive universal service support, shall, throughout the designated service area, offer the services that are supported by federal universal service support mechanisms, either using its own facilities or a combination of its facilities and resale of another carrier's services, and advertise the availability of such services and charges

3

using media of general distribution. Federal Regulation 47 CFR 54.201 (d) repeats these requirements.

3. In the attached Memorandum, which is labeled Appendix A, the Staff states its opinion that Mark Twain has demonstrated that it meets each of these requirements, and therefore recommends the Commission grant Mark Twain designation as an eligible telecommunications carrier for the purposes of receiving federal universal service support in its service area consisting of the Ewin, LaBelle and Lewiston exchanges.

Respectfully submitted,

DANA K. JOYCE
General Counsel



William K. Haas
Deputy General Counsel
Missouri Bar No. 28701

Attorney for the Staff of the
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Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 12th day of May 2000.

Wm K Haas

MEMORANDUM

RECEIVED
MAY 11 2000
MS 10:00
COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION

To: Missouri Public Service Commission Official Case File
Case No. TA-2000-591
Mark Twain Communications Company

From: Anthony Clark
Telecommunications Department AC

Wes Anderson 5-11-00
Utility Operations Division/Date

Wm K Haas 5/12/00
General Counsel's Office/Date

Subject: Staff Recommendation to Grant Eligible Carrier Designation to Mark Twain
Communications Company

Date: May 10, 2000

On March 22, 2000, Mark Twain Communications Company (MTCC) filed an Application for Designation as Eligible Carrier Pursuant to § 254 of the Telecommunications Act of 1996 (the Act). On March 30, 2000, the Commission issued an Order and Notice establishing an intervention deadline of April 20, 2000. There were no applications filed to intervene.

MTCC states in its application that it is competitive local exchange company certified by the Commission to provide basic local telecommunications service in Missouri in Case No. TA-98-305. MTCC's interconnection agreement with GTE Midwest Inc. was approved by the Commission in Case No. TO-98-410. Pursuant to tariffs approved by the Commission, MTCC provides basic local telecommunications service through a combination of the use of its own facilities and leased facilities in the exchanges of Ewing, La Belle and Lewistown.

As expressed in MTCC's application, Section 214(e)(1) of the Act states that a carrier may be designated as an eligible telecommunications carrier and therefore receive universal service support so long as the carrier, throughout its service area: (1) offers the services that are supported by federal universal support mechanisms; (2) offers such services using its own facilities or a combination of its own facilities and resale of another carrier's services, including the services offered by another eligible telecommunications carrier; and (3) advertises the availability of an charges for such services using media of general distribution. Title 47 of the Code of Federal Regulations § 54.201(b) states that the Commission shall, on its own motion or upon request, designate a common carrier an eligible telecommunications carrier so long as the carrier meets the requirements of 47 CFR 54.201(d), which are the same requirements listed above from Section 214(e)(1) of the Act. Title 47 CFR § 54.201(c) further states that a state commission shall designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the state commission so long as the additional requesting carrier meets the requirements of § 54.201(d).

MTCC states in its application that MTCC, through a combination of its own facilities and leased facilities, offers all of the services supported by federal universal service support, specified in 47 CFR 54.101(a) as follows:

- (1) Voice grade access to the public switched network;
- (2) Local usage;
- (3) Dual tone multi-frequency signaling or its functional equivalent;
- (4) Single-party service or its functional equivalent;
- (5) Access to emergency services;
- (6) Access to operator services;
- (7) Access to interexchange services;
- (8) Access to directory assistance; and
- (9) Toll limitation for qualifying low-income consumers.

MTCC further states in its application that MTCC advertises the availability of and charges for these services using media of general distribution with its service area. MTCC attached to its application Affidavits of Publication demonstrating that MTCC has engaged in such advertising. MTCC acknowledges in its application that 47 CFR 5.405 requires all eligible telecommunications carriers to make Lifeline services (as defined in 47 CFR 54.401) available to qualifying low-income consumers. MTCC states in its application that Lifeline services are available to qualifying low-income consumers in MTCC's service area.

The Telecommunications Department Staff has reviewed MTCC's application and finds that MTCC has demonstrated that it meets each of the provisions of 47 CFR 54.201(d). Thus, Staff recommends the Commission grant MTCC designation as an eligible telecommunications carrier for the purposes of receiving federal universal service support in its service area consisting of the Ewing, La Belle and Lewistown exchanges. Staff notes that MTCC, upon Commission approval, MTCC will be the first competitive local exchange carrier to receive eligible telecommunications carrier status in Missouri. Staff is unaware of any other filing that may affect or be affected by this filing.

Service List for
Case No. TA-2000-591
May 12, 2000

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