

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Application of Missouri RSA        )  
No. 5 Partnership for Designation as a                )  
Telecommunications Company Carrier                )     Case No. TO-2006-0172  
Eligible for Federal Universal Service Support     )  
Pursuant to Section 254 of the Telecommunications   )  
Act of 1996.    )

**APPLICATION TO INTERVENE OF  
SOUTHWESTERN BELL TELEPHONE, L.P.**

Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, (“SBC Missouri”) respectfully submits this Application to Intervene in the above-captioned case, pursuant to Commission Rule 2.075 (4 CSR 240-2.075) and the Commission’s October 20, 2005 Order Directing Notice and Establishing Date for Intervention (“Order”). In support of this Application, SBC Missouri states that:

1. SBC Missouri is a limited partnership duly authorized to conduct business in Missouri with its principal Missouri office located at One SBC Center, 35<sup>th</sup> Floor, St. Louis, Missouri 63101. SBC Missouri is a “local exchange telecommunications company” and a “public utility,” and is duly authorized to provide “telecommunications service” within the State of Missouri as each of those phrases is defined in Section 386.020 RSMo (2000).

2. All correspondence, pleadings, orders, decisions and communications regarding this proceeding should be sent to:

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3. This case arose from the filing, on October 18, 2005, of an application by MISSOURI RSA No. 5 PARTNERSHIP (“MO5”) for designation as an eligible telecommunications carrier (“ETC”) with respect to federal universal service support. (“MO5’s Application”). In the Commission’s October 20, 2005, Order, the Commission directed that any party wishing to intervene in the case should file an application to do so by not later than November 9, 2005. Order, p. 2.

4. The Commission should permit SBC Missouri to intervene in this case pursuant to Commission Rule 2.075(4)(B) (4 CSR 240-2.075(4)(B)) because doing so would be in the public interest. SBC Missouri has long had, and continues to have, a significant and direct interest in the operation of the federal Universal Service Fund (“USF”). Additionally, SBC Missouri will bring to this proceeding its extensive experience as a telecommunications provider and participant in the operation and administration of USF matters at both the federal and state level.

5. SBC Missouri’s intervention is also warranted under Commission Rule 2.075(4)(A) (4 CSR 240-2.075(4)(A)) because SBC Missouri’s interests differ from those of the general public. MO5 seeks ETC designation “in the entire non-rural Brookfield, Marceline and Moberly wire centers of [SBC Missouri] as well as the portions of the Armstrong, Higbee and Glasgow wire centers” of SBC Missouri. See, MO5’s Application, ¶ 8, and Appendix C. Granting MO5’s Application would likely increase the size of the federal USF and SBC Missouri’s required payments into the fund. Finally, granting MO5’s Application would result in MO5’s receiving federal Interstate Access Support funds from the federal USF. Interstate Access Support is support that is

provided to carriers affected by and as a result of the FCC's CALLS Order.<sup>1</sup> Since Interstate Access Support is capped at \$650 million,<sup>2</sup> the addition of lines provided by MO5 will impact the support available to price cap carriers who participate in CALLS, not only in Missouri, but in all areas served by these price cap carriers. SBC Missouri's legal rights, duties and other legal interests will be substantially affected by the proceeding. No other party to this proceeding will adequately protect SBC Missouri's interests.

6. For the foregoing reasons, SBC Missouri respectfully requests that the Commission grant its Application to Intervene in the above-captioned case.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE, L.P.

BY 

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<sup>1</sup> In the Matter of Access Charge Reform; Price Cap Performance Review for Local Exchange Carriers; Low-Volume Long Distance Users; Federal-State Joint Board On Universal Service, CC Docket No. 96-262; CC Docket No. 94-1; CC Docket No. 99-249; CC Docket No. 96-45, Sixth Report and Order in CC Docket Nos. 96-262 and 94-1, Report and Order in CC Docket No. 99-249, and Eleventh Report and Order in CC Docket No. 96-45, 15 FCC Rcd 12962 (2000) ("CALLS Order"), *aff'd in part, rev'd in part, and remanded in part*, Texas Office of Public Util. Counsel v. FCC, 265 F. 3d 313 (5<sup>th</sup> Cir. 2001), Order on Remand, 18 FCC Rcd 14976 (2003).

<sup>2</sup> CALLS Order, ¶ 186 ("Specifically, the interstate access universal service support mechanism that we establish today has the following features: . . . Support is fixed at an annual amount of \$ 650 million.").

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing document were served to all parties by e-mail on October 24, 2005.

  
Robert J. Grymala

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