

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application)
of Big River Telephone Company, LLC)
to Expand Its Certificate of Basic Local)
Service Authority to include provision of)
Basic Local Exchange Telecommunications)
Service in the Exchanges of BPS)
Telephone Company and to Continue)
to Classify the Company and its Services)
as Competitive.)

Case No. TA-2007-0093

APPLICATION TO INTERVENE

Comes now BPS Telephone Company ("BPS" or "Applicant") pursuant to Missouri Public Service Commission ("Commission") rule 4 CSR 240-2.075 and in support of its Application to Intervene in the above-captioned matter states that:

1. Applicant currently provides telecommunications services to members of the public located in those areas certificated to it by the Commission. As is relevant to this case, Applicant provides "basic local telecommunications services" within the exchanges defined by its tariff on file with and approved by the Commission. Applicant is a "telecommunications company" and "public utility" as those terms are defined by § 386.020, RSMo Supp. 2005, and is, therefore, subject to the jurisdiction, regulation and control of the Commission as provided by law. Applicant is also a rural telephone company and an incumbent local exchange carrier as defined by the Federal Telecommunications Act of 1996 (the "Act"). Applicant is a small, incumbent local exchange telecommunications company as defined by § 386.020(30), RSMo Supp. 2005.

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

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3. On August 30, 2006, Big River Telephone Company, LLC ("Big River") filed an Application requesting to expand its certificate of service authority to provide basic local exchange telecommunications service as well as interexchange telecommunications services and non-switched local exchange telecommunications services in the exchanges comprising the service territory of BPS.

4. On September 5, 2006, the Commission issued its Notice of Applications setting an intervention deadline of September 20, 2006.

5. BPS 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 telecommunications services in its service territory as requested in this application will directly affect Applicant's interest as a provider of telecommunication services in Missouri. Section 392.451, RSMo 2000, sets out specific requirements an applicant must meet in order to be granted a certificate to provide basic local telecommunications service in an area that is served by a small, incumbent local exchange telecommunications company such as BPS. For example, § 392.451.1(1) states that:

The applicant shall, throughout the service area of the incumbent local exchange telecommunications company, offer all telecommunications services which the commission

has determined are essential for purposes of qualifying for state universal service fund support [.]

Big River has not demonstrated in its application how it will offer all of the services essential for Missouri USF support throughout the BPS service area.

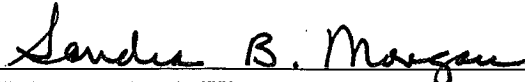
Additionally, it is not clear how the requirement in § 392.451.2(4) that the applicant, “Comply with all of the same rules and regulations as the commission may impose on the incumbent local exchange telecommunications company with which the applicant seeks to compete” can be made consistent with Big River’s request that “certain statutes and regulations be waived as to its basic local service as offered in this additional territory.”

6. Since the authority requested is specific to the service territory of BPS, it definitely has an interest in this proceeding that is different from that of the general public. In addition, its 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, its intervention and participation will serve the public interest.

7. Because Big River’s application is deficient, at least with respect to the issues described above, BPS opposes Big River’s application.

WHEREFORE, BPS 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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Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent by electronic transmission, hand-delivered, or mailed, United States Mail, postage prepaid, this 18th day of September, 2006, to:

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