

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

In the Matter of the Petition of VCI)
Company for Designation as an Eligible)
Telecommunications Carrier)

Case No. CO-2006-0464

**STAFF RESPONSE TO COMMISSION ORDER DIRECTING FILING
REGARDING INTERVENTION OF AT&T MISSOURI**

COMES NOW the Staff of the Missouri Public Service Commission and in response to the Commission's *Order Directing Filing* of June 15, 2006, states:

1. On June 9, 2006 VCI Company filed a request for designation as an Eligible Telecommunications Carrier in exchanges served by Southwestern Bell Telephone, L.P. d/b/a AT&T Missouri ("AT&T Missouri") in order to receive low-income federal universal service support. On June 13, 2006, AT&T Missouri filed an *Application to Intervene*. The Commission has directed its Staff to respond to AT&T Missouri's *Application to Intervene*.

2. The Commission's regulation governing intervention is located at 4 CSR 240-2.075. The application was filed within the time allotted by the Commission, and thus complies with that provision of Subsection (1) of that rule.

3. Subsection (2) of the Commission's intervention rule states that "[a]n application to intervene shall state the proposed intervenor's interest in the case and reasons for seeking intervention...." The application fulfills this requirement. In paragraph 4 of its *Application to Intervene*, the proposed intervenor indicates that it has had a long standing, significant and direct interest in the operation and administration of the Universal Service Fund. In paragraph 5, the proposed intervenor claims that "[g]ranting VCI's Application would likely increase the size of the federal USF and AT&T Missouri's required payments into the fund." The proposed

intervenor also claims that as the total amount of Interstate Access Support has a cap, then if lines provided by VCI become eligible to receive support if the Commission grants VCI's Application, that cap will be impacted.

4. Subsection (2) of the Commission's intervention rule also states "[a]n application to intervene ... shall state whether the proposed intervenor supports or opposes the relief sought or that the proposed intervenor is unsure of the position it will take." The *Application to Intervene* fails to address this requirement. However, Staff does not oppose a grant of intervention to AT&T Missouri; AT&T has not taken an initial position at the outset of earlier ETC application-related cases, and Staff has not objected to AT&T's intervention in those cases (see, e.g., Case Nos. TO-2006-0172 (Missouri RSA No. 5 Partnership), TO-2005-0466 (Northwest Missouri Cellular Limited Partnership), and TO-2005-0384 (USCOC of Greater Missouri, LLC d/b/a US Cellular)).

5. Subsection (3) of the Commission's intervention rule states that "[a]n association filing an application to intervene shall list all of its members." As AT&T Missouri is not an association, it need not provide such a list.

6. Subsection (4) of the Commission's intervention rule states that the Commission may grant intervention if the applicant is a proposed intervenor who "has an interest different that that of the general public and which may be adversely affected by a final order arising from the case" or if "[g]ranteeing the proposed intervention would serve the public interest." As discussed in paragraph 4 above, AT&T Missouri has asserted it has interests different from that of the general public and that could be adversely affected by the Commission's ruling by virtue of its long-standing interest in Universal Service Fund matters and its interest in the

dissemination and disposition of payments it makes into and receives from universal service funds that could be impacted by a grant of VCI's Application.

7. Staff takes no position regarding the merits of AT&T Missouri's argument regarding its interest and whether it will ultimately be adversely affected by a final order arising from the case; Staff merely indicates by making this filing that it has no opposition to AT&T Missouri's intervention.

WHEREFORE, Staff does not oppose the intervention of AT&T Missouri, but notes that AT&T Missouri has not strictly complied with each subsection of the Commission's rule in its *Application to Intervene*.

Respectfully submitted,

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 22nd day of June 2006.

/s/ David A. Meyer

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