

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

Application of USCOC of Greater Missouri, LLC)
for Designation as an Eligible Telecommunications)
Carrier Pursuant to the Telecommunications Act of)
1996)

Case No. TO-2005-0384

**PROPOSED ISSUES LIST, WITNESS LIST, ORDER OF CROSS-EXAMINATION,
AND ORDER OF OPENING STATEMENTS**

COMES NOW the Staff of the Missouri Public Service Commission and states:

1. On October 25, 2006, the Commission issued its Order Amending Procedural Schedule which directs the parties to file an issues list, order of witnesses, and order of cross-examination by December 4, 2006. The parties request leave to file one day late due to a delay caused by the winter storm.

2. On October 26-27, 2005 the Commission held a hearing on the merits of U.S. Cellular's application for ETC status in Missouri. The evidence presented prior to and during that hearing continues to be part of the evidentiary record in this proceeding.

3. The Commission has promulgated rules to be used in evaluating ETC applications. Commission Rule 4 CSR 240-3.570, Requirements for Carrier Designation as Eligible Telecommunication Carriers, effective June 30, 2006.

4. The Staff, Office of the Public Counsel ("OPC"), USCOC of Greater Missouri, LLC, d/b/a U.S. Cellular ("U.S. Cellular"), Southwestern Bell Telephone, L.P. d/b/a AT&T Missouri ("AT&T"), CenturyTel¹ and The Small Telephone Company Group ("STCG")² agree upon the following issues:

¹ "CenturyTel" refers to Spectra Communications Group, LLC d/b/a CenturyTel and CenturyTel of Missouri, LLC.

ISSUES

Issue 1. Telecommunications companies seeking eligible telecommunications carrier (“ETC”) status must meet the requirements of Section 214(e)(1) throughout the service area for which designation is received. Section 214(e)(1) requires a carrier to offer the services that are supported by Federal universal service support mechanisms either 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 to advertise the availability of such services and the charges therefore using media of general distribution. Does U.S. Cellular meet the requirements of Section 214(e)(1) throughout the service area for which it seeks ETC designation?

Issue 2. ETC designations by a state commission must be consistent with the public interest, convenience and necessity pursuant to Section 214(e)(2). Section 214(e)(2) provides: 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 for a service area designated by the State commission. Upon request and consistent with the public interest, convenience, and necessity, the State commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the State commission, so long as each additional requesting carrier meets the requirements of paragraph (1).

² “STCG” refers to BPS Telephone Company, Choctaw Telephone Company, Craw-Kan Telephone Cooperative, Inc., Ellington Telephone Company, Farber Telephone Company, Fidelity Telephone Company, Goodman Telephone Company, Granby Telephone Company, Grand River Mutual Telephone Company, Holway Telephone Company, IAMO Telephone Corporation, Kingdom Telephone Company, Le-Ru Telephone Company, Mark Twain Rural Telephone Company, Mid-Missouri Telephone Company, Miller Telephone Company, New Florence Telephone Company, New London Telephone Company, Northeast Missouri Rural Telephone Company, Orchard Farm Telephone Company, Peace Valley Telephone Company, Inc., Seneca Telephone Company, Steelville Telephone Exchange, Inc., and Stoutland Telephone Company.

Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the State commission shall find that the designation is in the public interest. 4 CSR 240-3.570(2)(A)(5) provides that an application for designation as an ETC include a demonstration that the commission's grant of the applicant's request for ETC designation would be consistent with the public interest, convenience and necessity. Is granting ETC status to U.S. Cellular consistent with the standards set forth in Section 214(e)(2) and 4 CSR 240-3.570(2)(A)(5)?

Issue 3. The Commission has promulgated rules to be used in evaluating ETC applications. Commission Rule 4 CSR 240-3.570, Requirements for Carrier Designation as Eligible Telecommunication Carriers, effective June 30, 2006. Does U.S. Cellular meet the requirements of the Commission's ETC rules?

Issue 4. AT&T proposes the following issue: Is U.S. Cellular's proposed use of federal Universal Service High-Cost support with respect to its network improvement plans in AT&T Missouri's wire center areas consistent with the requirement to use support only for the purpose "for which the support is intended." 47 U.S.C. § 254(e); 4 CSR 240-3.570(2)(A)(2).

Issue 5. CenturyTel, STCG and AT&T propose the following issue: The Commission recently approved ETC status for Missouri RSA No. 5 Partnership in Case No. TO-2006-0172 and for Northwest Missouri Cellular Limited Partnership in Case No. TO-2005-0466. The ETC service areas granted by the Commission for these new ETCs overlap portions of US Cellular's proposed ETC service area. Is granting ETC status to multiple wireless carriers in wire centers, also currently served by the incumbent ETC, in the public interest?

6. All parties agree on the following order of witnesses and order of cross-examination:

| <u>Witness</u> | <u>Order of Cross-Examination</u> |
|----------------------------------|---|
| Mr. Nick Wright (U.S. Cellular) | OPC, Staff, CenturyTel, STCG, AT&T |
| Mr. Alan Johnson (U.S. Cellular) | OPC, Staff, CenturyTel, STCG, AT&T |
| Mr. Don Wood (U.S. Cellular) | OPC, Staff, CenturyTel, STCG, AT&T |
| Mr. Adam McKinnie (Staff) | CenturyTel, STCG, AT&T, OPC, U.S. Cellular |
| Mr. Glenn Brown (CenturyTel) | STCG, AT&T, Staff, OPC, U.S. Cellular |
| Mr. Robert Schoonmaker (STCG) | CenturyTel, AT&T, Staff, OPC, U.S. Cellular |
| Mr. James Stidham (AT&T) | CenturyTel, STCG, Staff, OPC, U.S. Cellular |

7. While not specifically addressed in the *Order*, all parties further recommend that the Commission take opening statements in the following order: U.S. Cellular, OPC, Staff, CenturyTel, STCG and AT&T.

WHEREFORE, the Staff respectfully proposes this list of issues, order of witnesses and order of cross-examination.

Respectfully submitted,

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ATTORNEYS FOR USCOC OF GREATER
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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 5th day of December, 2006.

/s/ Roger W. Steiner
Roger W. Steiner