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STEPHEN G. NEWMAN  
JOHN A. RUTH

October 20, 1998

**FILED**

OCT 20 1998

Missouri Public  
Service Commission

The Honorable Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102-0360

Re: Intercounty Tele-Tech, L.L.C.

TA-99-175

Dear Judge Roberts:

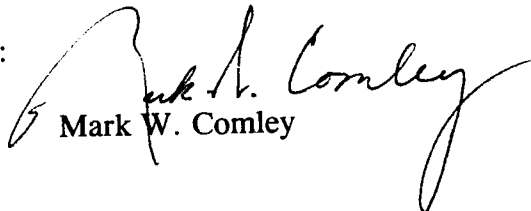
Enclosed for filing in the referenced matter please find the original and fourteen copies of an Application.

Thank you very much for your attention.

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:

  
Mark W. Comley

MWC:ab  
Enclosure

cc: Office of Public Counsel  
Vernon Strickland

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

**FILED**  
OCT 20 1998  
Missouri Public  
Service Commission

In the Matter of the Application of )  
Intercounty Tele-Tech, L.L.C. for a )  
Certificate of Service Authority to )  
Provide Nonbasic Local and Interexchange )  
Telecommunications Services in Portions )  
of the State of Missouri and to Classify Said )  
Services and the L.L.C. as Competitive. )

Case No. TA-99-175

**APPLICATION**

COMES NOW Intercounty Tele-Tech, L.L.C., ("Intercounty" or "Applicant"), by its undersigned counsel, pursuant to 4 CSR 240-2.060 and submits this Application. Intercounty hereby applies for and requests, a Certificate of Service Authority to provide and resale interexchange and nonbasic local telecommunications services within the State of Missouri pursuant to Sections 392.410, 392.420, and 392.430; an order classifying Intercounty's services as competitive telecommunications services; and an order waiving or suspending certain Commission rules and statutory provisions pursuant to the Federal Telecommunications Act of 1996 and state laws. In support of its application, Intercounty states as follows:

1. Intercounty is a Limited Liability Company duly organized and existing under the laws of the State of Missouri. A copy of Intercounty's Articles of Organization and Certificate of Organization are appended hereto as Exhibits A and B. The character of Intercounty's business is as indicated on the Articles of Organization. Intercounty's initial interest is to provide fiber optic facilities for municipalities, schools and not for profit organizations.

2. Intercounty's registered agent, principal office and place of business is:

Vernon W. Strickland  
Intercounty Tele-Tech, L.L.C.  
102 Maple Avenue  
P.O. Box 209  
Licking, Missouri 65542-0209

3. All inquiries, correspondence, communications, pleadings, notices, orders and decisions relating to the case should be addressed to:

Vernon Strickland  
Intercounty Tele-Tech, L.L.C.  
102 Maple Avenue  
P.O. Box 209  
Licking, Missouri 65542-0209  
Phone: (573) 674-2211  
Fax: (573) 674-2888

Mark W. Comley  
Newman, Comley & Ruth, P.C.  
601 Monroe St., Suite 301  
P.O. Box 537  
Jefferson City, Missouri 65102  
Phone: (573) 634-2266  
Fax: (573) 636-3306

4. Intercounty seeks authority to provide interexchange and nonbasic local telecommunications services, including the resale thereof, within the State of Missouri pursuant to §§ 392.410, 392.420 and 392.430, RSMo.

5. Intercounty seeks classification of itself and its services as a competitive telecommunications company within the State of Missouri pursuant to § 392.361, RSMo. Intercounty initially intends to provide fiber capacity and services on fiber facilities to municipalities, schools and not for profit organizations, and may thereafter provide data or communications services on fiber facilities to others.

6. Intercounty also respectfully requests, pursuant to Section 392.420, RSMo, that the

Commission suspend, waive or modify the application of the following rules and statutory provisions as it relates to the regulation of Intercounty:

#### **RULES**

- |                                                                        |    |                                                         |
|------------------------------------------------------------------------|----|---------------------------------------------------------|
| 4 CSR 240-10.020                                                       | -- | Depreciation of fund income.                            |
| 4 CSR 240-30.010(2)(C)                                                 | -- | Posting of exchange rates at central operating offices. |
| 4 CSR 240-30.040                                                       | -- | Uniform system of Accounts                              |
| 4 CSR 240-30.060 (5) (B)<br>through(O)                                 | -- | Rules pertaining to rate base regulation                |
| 4 CSR 240-32.030(1)(B)<br>and (C)                                      | -- | Exchange area maps and record of access lines.          |
| 4 CSR 240-32.050(3)                                                    | -- | Information concerning local service tariffs and maps   |
| 4 CSR 240-32.070(4)                                                    | -- | Coin telephones.                                        |
| 4 CSR 240-33.020(1)(C) and<br>4 CSR 240-33.040(1) and (2) <sup>1</sup> | -- | Monthly billing                                         |
| 4 CSR 240-33.030                                                       | -- | Information regarding lowest price available.           |
| 4 CSR 240-33.040(5)                                                    | -- | Financing fees.                                         |
| 4 CSR 240-35                                                           | -- | Bypass                                                  |

#### **STATUTES**

- |                   |    |                                                  |
|-------------------|----|--------------------------------------------------|
| Section 392.210.2 | -- | System of Accounts.                              |
| Section 392.240.1 | -- | Rates - Reasonable average return on investment. |
| Section 392.270   | -- | Property valuation.                              |
| Section 392.280   | -- | Depreciation rates.                              |

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<sup>1</sup>Applicant's customers will be informed in advance of service of any billing cycle other than a monthly billing cycle.

Section 392.290	--	Issuance of securities.
Section 392.300.2	--	Stock ownership and sale.
Section 392.310	--	Issuance of stocks and bonds.
Section 392.320	--	Stock dividends.
Section 392.330	--	Issuance of securities; debts and notes.
Section 392.340	--	Reorganization.

7. Intercounty further requests a temporary waiver of 4 CSR 240-2.060(4)(H). This rule requires that an application for a certificate of service authority to provide interexchange, local exchange or basic local exchange service shall include a proposed tariff with a forty-five day effective date. At such time as all facts necessary for the development of a tariff are known, Intercounty will promptly file it on no less than a thirty (30) days notice consistent with recent Commission practice in similar cases.

8. Intercounty, pursuant to Section 386.570, RSMo, is willing to comply with all applicable Commission rules and is willing to meet all relevant service standards including, but not limited to, quality of service, billing, and tariff filing and maintenance.

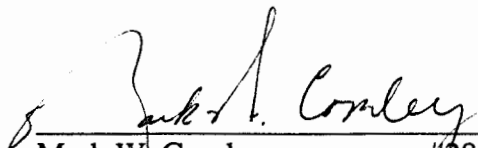
9. Intercounty will not unjustly discriminate among its subscribers, as prohibited by Section 392.200, RSMo.

10. Intercounty possesses sufficient technical, financial and managerial resources and abilities to provide the interexchange and nonbasic local telecommunications services for which certification is requested. Intercounty is an affiliate of Intercounty Electric Cooperative Association and Missouri Rural Electric Cooperative with a total assets and gross sales in excess of \$66 Million and \$26 million respectively, and has the managerial and engineering backing of Show Me Power Corporation and Show Me Technologies L.L.C.

11. The granting of this application is in the public interest as improving telecommunication services for schools and municipalities is in the public interest, as is increasing the supply and choices of competitive telecommunications providers and services in Missouri.

WHEREFORE, Applicant Intercounty respectfully requests that the Commission grant it a certificate of service authority to provide nonbasic local and interexchange telecommunications services within the State of Missouri; an order classifying it as a competitive telecommunications company providing competitive service; an order suspending, waiving or modifying the aforesaid rules and statutory provisions as they relate to the regulation of the Applicant in the State of Missouri; in due course, an order approving Applicant's proposed tariff and the rates proposed therein; and such other orders and further relief that the Commission deems appropriate.

Respectfully submitted,

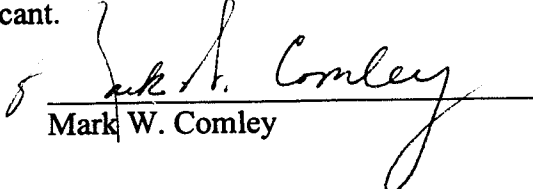
  
Mark W. Comley #28847  
Cathleen A. Martin #45682  
NEWMAN, COMLEY & RUTH P.C.  
601 Monroe St., Suite 301  
P.O. Box 537  
Jefferson City, MO 65102-0537  
(573) 634-2266  
(573) 636-3306 FAX  
ComleyM@ncrpc.com

Attorneys for Applicant, Intercounty  
Tele-Tech, L.L.C.

ATTORNEY VERIFICATION

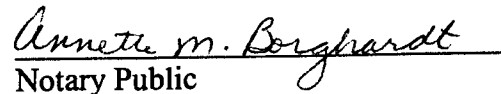
STATE OF MISSOURI     )  
                                  ) ss.  
COUNTY OF COLE        )

I, Mark W. Comley, being first duly sworn, do hereby certify, depose and state that I am the attorney for Intercounty Tele-Tech, L.L.C., Applicant in the above captioned proceeding; that I have read the above and foregoing Application and the allegations therein contained are true and correct to the best of my knowledge, information and belief; and I further state that I am authorized to verify the foregoing application by the above said applicant.

  
\_\_\_\_\_  
Mark W. Comley

Subscribed and sworn to before me, a Notary Public, this 20th day of October, 1998.

My Commission expires:

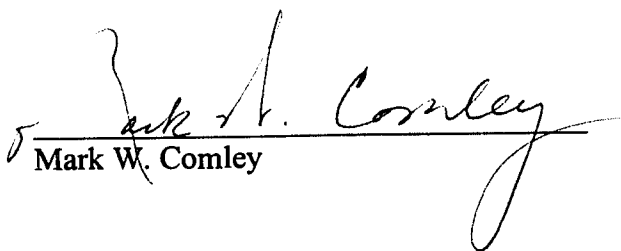
  
\_\_\_\_\_  
Notary Public

ANNETTE M. BORGHARDT  
Notary Public  
State of Missouri  
Commission Expires 3/11/02  
Cole County, MO

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, on this 20<sup>th</sup> day of October, 1998 to:

Office of Public Counsel  
P.O. Box 7800  
Jefferson City, MO 65102

  
\_\_\_\_\_  
Mark W. Comley



# State of Missouri

Rebecca McDowell Cook, Secretary of State

P.O. Box 778, Jefferson City, Mo. 65102

Corporation Division

## Articles of Organization

(Submit in duplicate with filing fee of \$105)

1. The name of the limited liability company is:

Intercounty Tele-Tech, L.L.C.

2. The purpose(s) for which the limited liability company is organized: to provide communication services through the use of such technological means as may be available including but not limited to providing fiber optic communication services and any other legal purpose.

3. The name and address of the limited liability company's registered agent in Missouri is:

Intercounty Electric Cooperative 102 Maple Avenue  
Association Post Office Box 209 Licking, MO 65542-020  
Name Street address City/State/Zip

4. The management of the limited liability company is vested in one or more managers.  Yes  No

5. The latest date on which the limited liability company is to dissolve is: December 31, 2027  
Month/Day/Year

6. Upon the withdrawal of any member, the remaining member(s) have the following right(s) (if any) to continue the business and affairs of the limited liability company:  
All rights to continue or to terminate

7. The name(s) and address(es) of each organizer:

Vernon W. Strickland 102 Maple Avenue, P.O. Box 209, Licking, MO 65542

8. For tax purposes, is the limited liability company considered a corporation?  Yes  No

In affirmation thereof, the facts stated above are true:

V. W. Strickland Organizer

\_\_\_\_\_  
Organizer

\_\_\_\_\_  
Organizer

FILED AND CERTIFICATE  
ISSUED

SEP 23 1997

Rebecca McDowell Cook  
SECRETARY OF STATE



# STATE OF MISSOURI



**Rebecca McDowell Cook**  
**Secretary of State**

CERTIFICATE OF ORGANIZATION  
LIMITED LIABILITY COMPANY

WHEREAS,

INTERCOUNTY TELE-TECH, L.L.C.

FILED ITS ARTICLES OF ORGANIZATION WITH THIS OFFICE ON THE 23RD DAY OF SEPTEMBER, 1997, AND THAT FILING WAS FOUND TO CONFORM TO THE MISSOURI LIMITED LIABILITY COMPANY ACT;

NOW, THEREFORE, I, REBECCA McDOWELL COOK, SECRETARY OF STATE, STATE OF MISSOURI, BY VIRTUE OF AUTHORITY VESTED IN ME BY LAW, DO CERTIFY AND DECLARE THAT ON THE 23RD DAY OF SEPTEMBER, 1997, THE ABOVE ENTITY IS A LIMITED LIABILITY COMPANY, ORGANIZED IN THIS STATE AND ENTITLED TO ANY RIGHTS GRANTED TO LIMITED LIABILITY COMPANIES.

IN TESTIMONY WHEREOF, I HAVE SET MY HAND AND IMPRINTED THE GREAT SEAL OF THE STATE OF MISSOURI, ON THIS, THE 23RD DAY OF SEPTEMBER, 1997.

*Rebecca McDowell Cook*  
Secretary of State



\$105.00