



Missouri Public Service Commission

Commissioners
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SHEILA LUMPE
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WESS A. HENDERSON
Director, Utility Operations
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Director, Utility Services
DONNA M. KOLILIS
Director, Administration
DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge
DANA K. JOYCE
General Counsel

August 6, 2001

FILED³

AUG 06 2001

Missouri Public
Service Commission

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

RE: Case No. Ta-2001-699 - In the Matter of the Application of Big River Telephone Company, LLC, for Certificates of Service Authority to Provide Basic Local, Local Exchange, Exchange Access and Interexchange Telecommunications Services and in the State of Missouri and to Classify Said Services and the Company as Competitive.

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of a **STAFF RECOMMENDATION**.

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

Robert V. Franson
Associate General Counsel
(573) 751-6651
(573) 751-9285 (Fax)

Enclosure
cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED³

AUG 06 2001

Missouri Public
Service Commission

In the Matter of the Application of Big)
River Telephone Company, LLC, for)
Certificates of Service Authority to Provide)
Basic Local, Local Exchange, Exchange)
Access and Interexchange)
Telecommunications Services and in the)
State of Missouri and to Classify Said)
Services and the Company as Competitive.

Case No. TA-2001-699

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its recommendation in this matter respectfully states:

1. In the attached Memorandum, which is labeled Appendix A, the Staff recommends that the Missouri Public Service Commission (Commission) grant Big River Telephone Company, LLC (Applicant), a certificate to provide basic local telecommunications, a certificate of authority to provide interexchange telecommunications services, and local exchange services restricted to dedicated, private line services. Staff recommends that the certificates be predicated upon the conditions recommended by Staff in Appendix A. The Commission shall grant an application for a certificate of telecommunications service authority upon a finding that the grant of authority is in the public interest. (See §§ 392.430 and 392.440 RSMo 2000.) Staff agrees that the application shows that grant of authority is in the public interest.

2. Staff also recommends that the Commission classify the Applicant and its services as competitive. The Commission may classify a telecommunications provider or its services as competitive if the Commission determines it is subject to sufficient competition to justify a lesser

degree of regulation. (See §392.361.4 RSMo 2000.) All the services a competitive company provides must be classified as competitive. (See §392.361.3 RSMo 2000.)

3. Staff further recommends that the Commission grant Applicant waivers of all of the standard waivers for competitive basic local exchange and interexchange carriers. The Commission may waive the application of its rules and certain statutes if the Commission determines that waiver is consistent with the purposes of Chapter 392 RSMo. (See §§ 392.361.3 and 392.420, and § 392.185 RSMo 2000.)

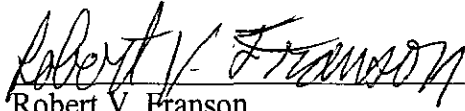
4. Finally, Staff recommends that the Commission grant approval of the Applicant's request for a temporary waiver of 4 CSR 2.060(6)(C).

5. Staff also notes that Applicant seeks a certificate of authority to provide exchange access alone apparently as a separate and distinct service. There is no authority in either the Revised Statutes of Missouri or Commission rules for such a certificate of authority. However, the provision of basic local exchange service allow for the provision of exchange access. Accordingly, the granting to Applicant of a certificate of authority to provide basic local exchange service will authorize Applicant to provide exchange access.

WHEREFORE, Staff recommends that the Commission grant Big River Telephone Company, LLC, certificates to provide basic local telecommunications services, interexchange telecommunications services and local exchange telecommunications services restricted to dedicated, private line services, grant Applicant competitive classification, grant a temporary waiver of 4 CSR 2.060(6)(C), approve all of the standard waivers for competitive basic local exchange and interexchange carriers, and approve the three certificates with all of the conditions set forth in Appendix A.

Respectfully submitted,

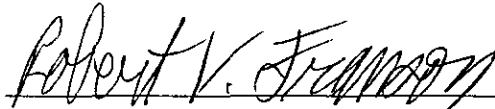
DANA K. JOYCE
General Counsel



Robert V. Franson
Associate General Counsel
Missouri Bar No. 34643
Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-6651 (Telephone)
(573) 751-9285 (Fax)
e-mail: rfranson@mail.state.mo.us

Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 6th day of August, 2001.



**Service List for
Case No. TA-2001-699
August 1, 2001 (ccl)**

**Office of the Public Counsel
PO Box 7800
Jefferson City, MO 65102**

**Carl L. Lumley
Curtis, Oetting, Heinz, Garrett & Soule, P.C.
130 S. Bemiston, Suite 200
St. Louis, MO 63105**

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No: TA-2001-699
Applicant: Big River Telephone Company, LLC

From: Tom Solt *TS*
Telecommunications Department

[Signature] 8/3/01
Utility Operations Division/Date

W. K. Hood 8/5/01
General Counsel's Office/Date *JP* 8-6-01

Subject: Staff Recommendation for Approval of Certificate and/or Initial Tariff

Date: 8/2/01

Filing Deadline: (by 4:00 pm 7 working days prior to proposed effective date)

The Telecommunications Department Staff (Staff) recommends the applicant be granted the following certificate(s), as indicated below, to be effective on the same date the tariff becomes effective:

certificate to provide basic local exchange telecommunications services. Granting the certificate should be based on the following conditions:

1. The applicant's originating and terminating access rates will be no greater than the lowest Commission approved corresponding access rates in effect for each ILEC within whose service area the applicant seeks authority to provide service, unless authorized by the Commission pursuant to Sections 392.220 and 392.230 RSMo.
2. The certificate and service classification for switched access service is conditioned on the continued applicability of Section 392.200 RSMo, and the requirement that any increases in switched access services rates above the maximum switched access service rates set forth herein shall be made pursuant to Sections 392.220 and 392.230 RSMo, and not Sections 392.500 and 392.510 RSMo.
3. If the directly competing ILEC, in whose service area the applicant is operating, decreases its originating and/or terminating access service rates, the applicant shall file an appropriate tariff amendment to reduce its originating and/or terminating access rates in the directly competing ILEC's service area within 30 days of the directly competing ILEC's reduction of its originating and/or terminating access rates in order to maintain the cap.

(Check, if applicable) Grant the request for waiver of 4 CSR 2.060(6)(C), which requires the filing of a tariff with an effective date not fewer than 45 days from the issue date. The applicant cannot lawfully provide service until tariffs are effective.

certificate to provide interexchange telecommunications services.

certificate to provide local exchange telecommunications services.*

*local exchange authority should be restricted to dedicated, private line services.

No objection to tariff taking effect (indicate PSC MO numbers) Effective Date

Staff recommends the applicant and its services receive competitive classification. In addition, Staff recommends approval of the waivers listed in the Notice.

There is an attachment to this recommendation.

DH
UC-05-01P02:24 RCVD

Attachment A



Missouri Public Service Commission

Commissioners
KELVIN L. SIMMONS
Chair
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CONNIE MURRAY
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This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Robert V. Franson".

Robert V. Franson
Associate General Counsel
(573) 751-6651
(573) 751-9285 (Fax)

Enclosure
cc: Counsel of Record

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

In the Matter of the Application of Big)
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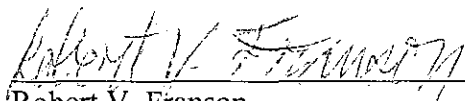
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WHEREFORE, Staff recommends that the Commission grant Big River Telephone Company, LLC, certificates to provide basic local telecommunications services, interexchange telecommunications services and local exchange telecommunications services restricted to dedicated, private line services, grant Applicant competitive classification, grant a temporary waiver of 4 CSR 2.060(6)(C), approve all of the standard waivers for competitive basic local exchange and interexchange carriers, and approve the three certificates with all of the conditions set forth in Appendix A.

Respectfully submitted,

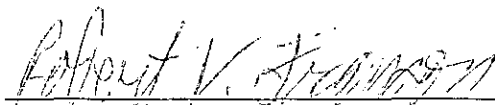
DANA K. JOYCE
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Attorney for the Staff of the
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August 1, 2001 (ccl)**

**Office of the Public Counsel
PO Box 7800
Jefferson City, MO 65102**

**Carl L. Lumley
Curtis, Oetting, Heinz, Garrett & Soule, P.C.
130 S. Bemiston, Suite 200
St. Louis, MO 63105**

MEMORANDUM

To: Missouri Public Service Commission Official Case File
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Applicant: Big River Telephone Company, LLC

From: Tom Solt *TS* *BN*
Telecommunications Department

[Signature] 8/3/01 *[Signature]* 8/5/01
Utility Operations Division/Date General Counsel's Office/Date

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