

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

In the Matter of the Community Plus Plan	)	
and Premium Calling Plan of Spectra	)	Case No. IT-2005-0134
Communications Group, LLC d/b/a CenturyTel	)	Tariff File No. JI-2005-0363

**APPLICATION  
OF  
SPECTRA COMMUNICATIONS GROUP, LLC D/B/A CENTURYTEL**

**COMES NOW** Spectra Communications Group, L.L.C. d/b/a CenturyTel (“Spectra” or “Applicant”), pursuant to the Commission’s *Order Denying Motion to Reject or Suspend Tariff* (“*Order*”) entered in this matter on November 18, 2004, and for its Application proposing relief from Section 392.200.4(1), RSMo 2003 Cum. Supp. respectfully states as follows:

**INTRODUCTION**

In its *Order* issued on November 18, 2004, the Commission denied the Staff’s Motion to Reject or Suspend Tariff Filing, and ordered “That the promotional tariffs filed by Spectra Communications Group, LLC d/b/a CenturyTel, Tariff File No. JI-2005-0363, will be allowed to become effective by operation of law, so long as Spectra files an application in accordance with Section 392.200.4(1) no later than 4:00 p.m. November 19, 2004.” (Ordered Paragraph 2, page 2).

Section 392.200.4(1) provides:

No telecommunications company may define a telecommunications service as a different telecommunications service based on the geographic area or other market segmentation within which such telecommunications service is offered or provided, unless the telecommunications company makes application and files a tariff or tariffs which propose relief from this subsection. Any such tariff shall be subject to the provisions of sections 392.220 and 392.230 and in any hearing

thereon the burden shall be on the telecommunications company to show, by clear and convincing evidence, that the definition of such service based on the geographic area or other market within which such service is offered is reasonably necessary to promote the public interest and the purposes and policies of this chapter.

Section 392.200.2, RSMo 2000 provides, in part: “Promotional programs for telecommunications services may be offered by telecommunications companies for periods of time so long as the offer is otherwise consistent with the provisions of this chapter and approved by the commission.”

As stated above, the Commission has ordered that the subject promotional tariffs filed by Spectra will be allowed to become effective by operation of law (the tariff effective date is November 22, 2004) “if Spectra files its application ‘proposing relief from’ Section 392.200.4(1). . .” In compliance with the Commission’s *Order*, Spectra respectfully files this verified Application.

#### **APPLICATION**

1. Spectra is a Delaware Limited Liability Company authorized to do business in Missouri as evidenced by the certificate of authority issued by the Missouri Secretary of State which was filed in Case No. TM-2000-182 and incorporated herein by reference. Spectra operates in Missouri using the fictitious name of "CenturyTel," pursuant to the registration of fictitious name filed in Case No. TO-2001-437 and incorporated herein by reference. Spectra's principle place of business is 1151 CenturyTel Drive, Wentzville, Missouri 63885.

2. Spectra provides basic local telecommunications services in 107 rural exchanges throughout Missouri, including the rural exchange of Macon. Spectra

provides such telecommunications services pursuant to tariffs filed with and approved by the Commission.

3. All communications, correspondence, and pleadings in regard to this application should be directed to:

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4. In accordance with 4 CSR 240-2.060(1)(K) & (L), Spectra does not have any pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgment or decision has occurred within (3) years of the date of the application. Spectra has no annual report or assessment fees that are overdue.

5. Spectra's promotional tariff, Tariff File No. JI-2005-0363, introduces two local calling promotions – Community Plus Plan and Premium Calling Plan – which provide **optional**, expanded calling scopes to subscribers in Spectra's rural Macon

exchange. This filing was in response to a perceived desire of Spectra's customers in the Macon exchange for expanded local calling. Under the tariff, Spectra's customers in this exchange have a **choice** to subscribe to one of two optional expanded calling services similar to optional, flat-rate metropolitan calling plans available in other major metropolitan areas of Missouri (*e.g.*, MCA service), and other optional extended area calling services in rural exchanges.

6. Pursuant to the promotional tariff, both plans will be offered to Macon subscribers for the period November 22, 2004 through May 22, 2005. Customers who subscribe to one of these plans will receive a calling allowance and then calling at a reduced rate to all exchanges in the 524 LATA. The Community Plus plan provides for flat rate calling within Macon and a per-minute charge to the specified exchanges within the LATA after an allowance of 240 minutes. The Premium Calling Plan provides for flat rate calling within Macon and a per-minute charge to the specified exchanges within the LATA after an allowance of 600 minutes.

7. In furtherance of providing its customers in the Macon exchange with a choice of expanded calling throughout the 524 LATA, Spectra files this Application in conjunction with the subject tariff filing proposing relief from Section 392.200.4(1), to the extent such section may be deemed applicable.<sup>1</sup> Spectra respectfully submits that its promotional tariff providing both Community Plus Plan and Premium Calling Plan options to its Macon subscribers is reasonably necessary to promote the public interest and the purposes and policies of Chapter 392, RSMo 2000.

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<sup>1</sup> Staff has suggested that "Section 392.200.4(1) is applicable to the instant tariff filing because Spectra, an incumbent local exchange telecommunications company, serves 107 exchanges, but these plans would be available only in the Macon exchange." Staff Motion, ¶3, page 2.

8. The purposes and policies of Chapter 392 are set forth in Section 392.185:

“**392.185.** The provisions of this chapter shall be construed to:

- (1) Promote universally available and widely affordable telecommunications services;
- (2) Maintain and advance the efficiency and availability of telecommunications services;
- (3) Promote diversity in the supply of telecommunications services and products throughout the state of Missouri;
- (4) Ensure that customers pay only reasonable charges for telecommunications service;
- (5) Permit flexible regulation of competitive telecommunications companies and competitive telecommunications services;
- (6) Allow full and fair competition to function as a substitute for regulation when consistent with the protection of ratepayers and otherwise consistent with the public interest;
- (7) Promote parity of urban and rural telecommunications services;
- (8) Promote economic, educational, health care and cultural enhancements; and
- (9) Protect consumer privacy.”

9. In addition to promoting the above purposes and policies of Chapter 392, expanded local calling scopes, and this optional, promotional service in particular, will further the public interest in a variety of ways. Expanded calling scope choices are a desirable telecommunications offering. The utilization of promotions and optional calling plans facilitate the introduction of new and beneficial services to consumers. Both residential and business customers will be able to benefit from this new, optional and expanded rural calling scope, thereby promoting economic, educational, health care and cultural enhancements. In addition, the rural local exchange of Macon is highly

competitive. This promotional tariff will promote competitive market conditions and enhance competition among the providers of telecommunications services. Section 392.200.4(2) provides: “It is the intent of this act to bring the benefits of competition to all customers and to ensure that incumbent and alternative local exchange telecommunications companies have the opportunity to price and market telecommunications services to all prospective customers in any geographic area in which they compete.”

WHEREFORE, Spectra Communications Group, L.L.C. d/b/a CenturyTel respectfully files its Application proposing relief from Section 392.200.4(1) in compliance with, and in support of, the Commission’s *Order Denying Motion to Reject or Suspend Tariff* entered in this matter.

Respectfully submitted,

/s/ Larry W. Dority

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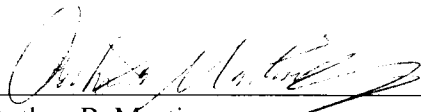
Fax: (573) 636-0383

Attorneys for Spectra Communications Group, L.L.C.  
d/b/a CenturyTel

VERIFICATION

STATE OF MISSOURI            )  
  ) SS  
COUNTY OF COLE            )

I, Arthur Martinez, of lawful age, being first duly sworn upon my oath, state that I am the Director Government Relations of CenturyTel and that I am authorized to execute this Application on behalf of Spectra Communications Group, L.L.C. d/b/a CenturyTel; and that the facts set forth in the foregoing Application are true to the best of my knowledge, information and belief.

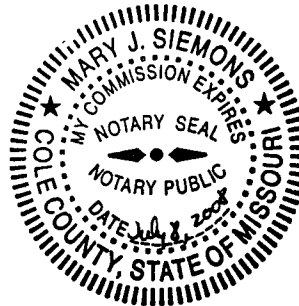
  
\_\_\_\_\_  
Arthur P. Martinez

Subscribed and sworn to before me this 19th day of November, 2004.

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

My Commission expires:

July 8, 2008\_\_\_\_\_



## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was hand-delivered, emailed or mailed this 19th day of November, 2004 to:

Mr. Mike Dandino  
Assistant Public Counsel  
Office of the Public Counsel  
P.O. Box 7800  
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Mr. Dan Joyce,  
General Counsel  
Missouri Public Service Commission  
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Mr. William K. Haas  
Deputy General Counsel  
Missouri Public Service Commission  
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Jefferson City, Missouri 65102

/s/ Larry W. Dority

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Larry W. Dority