

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

In the Matter of the Application of WWC	)	
License, LLC, d/b/a CellularOne, for	)	
Designation as an Eligible	)	Case No. TO-2004-0527
Telecommunications Carrier, and Petition	)	
For Redefinition of Rural Telephone	)	
Company Areas.	)	

**RESPONSE TO MOTION TO DISMISS**

COMES NOW Spectra Communications Group, LLC d/b/a CenturyTel  
("CenturyTel") and for its Response to the *Motion To Dismiss, Or In The Alternative,  
Motion To Direct Western Wireless To Amend Application*, filed on June 25, 2004 in the  
above-captioned case, respectfully states as follows:

1. On June 25, 2004 Intervenor Craw-Kan Telephone Company and KLM  
Telephone Company (collectively "Intervenor") filed their *Motion To Dismiss, Or In  
The Alternative, Motion To Direct Western Wireless To Amend Application* wherein they  
alleged that Applicant WWC License, LLC d/b/a CellularOne ("Western Wireless")  
failed to comply with Commission rules 4 CSR 240-2.060(K) and (L) by failing to  
disclose to the Commission in its Application certain pending actions both in Missouri  
and in the state of Kansas. In fact, in its verified Application Western Wireless  
affirmatively states in footnote 2, page 2 that it had no pending actions or final unsatisfied  
judgments against it and that no annual reports or assessment fees were overdue.

2. The pending action in the state of Kansas apparently involves allegations of  
unlawful use of USF Support funds and failure to follow lawful orders of the Kansas  
Corporation Commission ("KCC"), specifically relating to certain regulatory  
requirements imposed as a condition of Applicant previously being designated an ETC in

Kansas. The allegations, and especially Western Wireless' responses thereto, made in that pending Kansas proceeding are particularly relevant to this case. According to the KCC, Western Wireless in Kansas is challenging the KCC's jurisdiction over Western Wireless' ETC status and is arguing that the KCC does not have the authority to place ETC conditions on Western Wireless. *See*, Attachment A to Intervenor's Motion To Dismiss, pages 1-2. That Western Wireless also has pending actions against it in Missouri which were not disclosed or even acknowledged in its Application are likewise particularly troubling. Whether there exist additional pending cases in other jurisdictions relating to Western Wireless' ETC status, or to other matters concerning customer service or rates, is unknown.

3. CenturyTel, therefore, fully concurs with Intervenor's Motion To Dismiss and the reasons stated therefor. At the very minimum, Western Wireless should be required to amend its verified Application accordingly in the interest of full disclosure.

WHEREFORE, Spectra Communications Group, LLC d/b/a CenturyTel joins with Intervenor Craw-Kan Telephone Company and KLM Telephone Company to urge the Commission to dismiss Western Wireless' Application for failure to comply with Commission rules 4 CSR 240-2.060(K) and (L), or in the alternative and at minimum, to direct Western Wireless to immediately amend its Application to include a full and complete disclosure of any and all pending actions and final unsatisfied judgments against Western Wireless in Missouri, Kansas or elsewhere.

Respectfully submitted,

**/s/ Charles Brent Stewart**

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LLC, d/b/a CENTURYTEL

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document was sent to counsel for all parties of record in Case No. TO-2004-0527 by electronic mail transmission, hand-delivery, or by placing same in the U.S. mail first-class postage prepaid, this 29<sup>th</sup> day of June, 2004.

**/s/ Charles Brent Stewart**

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