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**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 19th day of May, 1998.

In the Matter of the Application of Mark Twain Communications Company for a Certificate of Service Authority to Provide Basic Local Telecommunications Service in Portions of the State of Missouri and to Classify Said Services and the Company as Competitive. )  
)  
) Case No. TA-98-305  
)  
)  
)

**ORDER GRANTING CERTIFICATE OF SERVICE AUTHORITY  
AND SUSPENDING TARIFF**

Mark Twain Communications Company (MTCC) applied to the Commission on January 28, 1998, for a certificate of service authority to provide basic local telecommunications service in Missouri under Sections 392.420 - .440, RSMo 1994,<sup>1</sup> and Sections 392.410 and .450, RSMo Supp. 1996. MTCC asked the Commission to classify it as a competitive company and waive certain statutes and rules as authorized by Sections 392.361 and 392.420. MTCC is a Missouri corporation with offices at Post Office Box 128, Hurdland, Missouri 63547-0128. MTCC has not provided its street address to the Commission.

The Commission issued an Order and Notice on January 28, directing parties wishing to intervene in the case to do so by February 27. The Commission granted permission to intervene to GTE Midwest Incorporated (GTE) on March 17.

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<sup>1</sup> All statutory references are to Revised Statutes of Missouri 1994 unless otherwise indicated.

The parties filed a Stipulation and Agreement (Attachment 1 to this order) on April 16. On April 29, MTCC filed tariff sheets bearing an effective date of June 13, 1998.

## **Background**

MTCC, which is certificated to provide intrastate interexchange services in Missouri, wishes certification to provide facilities-based and possibly resold basic local telecommunications service. MTCC wants to provide basic local services in portions of Missouri that are currently served by GTE. MTCC is not asking for certification in any area that is served by a small incumbent local exchange provider (ILEC). The specific exchanges in which MTCC proposes to operate are described in Appendix B to the application that was filed on January 22 (Attachment 2 to this order). MTCC is requesting that its basic local exchange services be classified as competitive and that the application of certain statutes and regulatory rules be waived.

## **Discussion**

### **A. Requirements of 4 CSR 240-2.060(4)**

Commission rule 4 CSR 240-2.060(4) requires a Missouri corporation applying for certification to provide telecommunications services to include in its application a certificate of incorporation and a certified copy of its articles of incorporation from the Secretary of State, a description of the types of service it intends to provide, a description of the exchanges where it will offer service, and a proposed tariff with a 45-day effective date. MTCC has provided all the required documentation. The company requested a temporary waiver of 4 CSR 240-2.060(4)(H) when it originally filed its application because it was impractical for MTCC to

submit a tariff until it had executed an interconnection agreement with the ILEC involved. MTCC could not price its resold services until it had reached price agreements with the ILEC from which it will purchase those services.

However, on March 30, MTCC filed a joint application with GTE and GTE Arkansas for approval of an interconnection agreement between them. The Commission established Case No. TO-98-410 to review the agreement and issued notice to interested parties. The tariffs filed by MTCC in this case are scheduled to take effect prior to the end of the 90-day period during which the Commission has jurisdiction to review the proposed interconnection agreement filed in Case No. TO-98-410. The 90-day period will expire on June 26.

## **B. Basic Local Service Certification**

Section 392.455, RSMo Supp. 1996, sets out the requirements for granting certificates to provide basic local telecommunications service to new entrants. A new entrant must: (1) possess sufficient technical, financial and managerial resources and abilities to provide basic local telecommunications service; (2) demonstrate that the services it proposes to offer satisfy the minimum standards established by the Commission; (3) set forth the geographic area in which it proposes to offer service and demonstrate that such area follows exchange boundaries of the incumbent local exchange telecommunications company and is no smaller than an exchange; and (4) offer basic local telecommunications service as a separate and distinct service. In addition, the Commission must give due consideration to equitable access for all Missourians to affordable telecommunications services, regardless of where they live or their income.

**1. Technical, financial and managerial resources and abilities.**

MTCC submitted Appendix C with its application that lists the names and qualifications of its management team. In addition to academic credentials, the team members have experience in various areas of the telecommunications industry including technical, accounting and customer services. MTCC also submitted as Appendix D its December 31, 1997, balance sheet. In the Stipulation and Agreement, MTCC asserts, and no party makes a contrary assertion, that there is sufficient evidence from which the Commission should find and conclude that MTCC possesses sufficient technical, financial and managerial resources and abilities to provide basic local telecommunications service. Staff stated in its Suggestions in Support of the Stipulation and Agreement that it has reviewed the financial information submitted by MTCC and has concluded that MTCC is financially able to provide basic local telecommunications service in portions of the state of Missouri.

**2. The entrant's proposed services satisfy the minimum standards established by the Commission.**

MTCC has agreed to meet the Commission's minimum basic local service standards, including quality of service and billing standards. The parties agreed that MTCC proposes to offer basic local services that satisfy the minimum standards established by the Commission.

**3. The geographic area in which the company proposes to offer service.**

MTCC set out in Appendix B all the exchanges in which it proposes to offer services. MTCC has defined its service area by means of the tariffed exchange areas of the ILEC presently providing basic local service in those exchanges. Appendix B consists of Commission-approved tariff sheets filed by GTE that describe local exchanges. MTCC has agreed that

its service area must follow ILEC exchange boundaries and be no smaller than an exchange. The parties agreed that MTCC has sufficiently identified the geographic area in which it proposes to offer basic local service and that the area follows ILEC exchange boundaries and is no smaller than an exchange.

4. **The offering of basic local telecommunications service as a separate and distinct service.** MTCC has agreed to offer basic local telecommunications service as a separate and distinct service.

5. **Equitable access for all Missourians to affordable telecommunications services.** MTCC has agreed to provide equitable access, as determined by the Commission, for all Missourians within the geographic area in which it will offer basic local services in compliance with Section 392.455(5), RSMo Supp. 1996.

### **C. Competitive Classification**

The Commission may classify a telecommunications provider as a competitive company if the Commission determines it is subject to sufficient competition to justify a lesser degree of regulation. § 392.361.2. In making that determination the Commission may consider such factors as market share, financial resources and name recognition, among others. In the matter of the investigation for the purpose of determining the classification of the services provided by interexchange telecommunications companies within the State of Missouri, 30 Mo. P.S.C. (N.S.) 16 (1989); In the matter of Southwestern Bell Telephone Company's application for classification of certain services as transitionally competitive, 1 Mo. P.S.C. 3d 479, 484 (1992). In addition, all the services a competitive company provides must be classified as competitive. § 392.361.3. The Commission has found that whether a service is

competitive is a subject for case-by-case examination and that different criteria may be given greater weight depending upon the service being considered. *Id.* at 487.

The parties have agreed that MTCC shall be classified as a competitive telecommunications company. The parties have also agreed that MTCC's switched exchange access services may be classified as a competitive service, conditioned upon certain limitations on MTCC's ability to charge for its access services. MTCC has agreed that, unless otherwise ordered by the Commission, its originating and terminating access rates will be no greater than the lowest Commission-approved corresponding access rates in effect at the date of certification for the large incumbent LECs within those service areas in which MTCC seeks to operate.<sup>2</sup> The parties have agreed that the grant of service authority and competitive classification to MTCC shall be expressly conditioned on the continued applicability of Section 392.200, RSMo Supp. 1996, and on the requirement that any increases in switched access services rates above the maximum switched access service rates set forth in the agreement must be cost-justified pursuant to Sections 392.220, RSMo Supp. 1996, and 392.230, rather than Sections 392.500 and 392.510.

The parties agreed that waiver of the following statutes is appropriate: Sections 392.210.2, 392.270, 392.280, 392.290.1, 392.300.2, 392.310, 392.320, 392.330, RSMo Supp. 1996, and 392.340. The parties also agreed that application of these Commission rules could be waived: 4 CSR 240-10.020, 4 CSR 240-30.040, and 4 CSR 240-35.

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<sup>2</sup> For MTCC, this effectively places a cap at GTE's access rates.

## Findings of Fact

The Missouri Public Service Commission, having considered all of the competent and substantial evidence upon the whole record, makes the following findings of fact:

- A. The Commission finds that competition in the local exchange and basic local exchange telecommunications markets is in the public interest.
- B. The Commission finds that MTCC has met the requirements of 4 CSR 240-2.060(4) for applicants for certificates of service authority to provide telecommunications services.
- C. The Commission finds that MTCC meets the statutory requirements for provision of basic local telecommunications services and has agreed to abide by those requirements in the future. The Commission determines that granting MTCC a certificate of service authority to provide basic local exchange telecommunications services is in the public interest. MTCC's certificate shall become effective when its tariff becomes effective.
- D. The Commission finds that MTCC is a competitive company and shall be granted waiver of the statutes and rules set out in Ordered Paragraph 3.
- E. The Commission finds that MTCC's certification and competitive status are expressly conditioned upon the continued applicability of Section 392.200, RSMo Supp. 1996, and on the requirement that any increases in switched access services rates above the maximum switched access service rates set forth in the agreement must be cost-justified pursuant to

Sections 392.220, RSMo Supp. 1996, and 392.230, rather than Sections 392.500 and 392.510.

The Commission further finds that MTCC's proposed tariff sheets should not be permitted to take effect until after the Commission has ruled on MTCC's interconnection agreement in Case No. TO-98-410. Approval of MTCC's proposed tariff is inappropriate at this time in that approval of the tariff necessarily depends upon approval of MTCC's interconnection agreement with GTE and GTE Arkansas. Pursuant to the federal Telecommunications Act of 1996 ("the Telecommunications Act"), 47 U.S.C. Sections 252(e)(2)(A) and 252(e)(4), the Commission has jurisdiction until June 26, 1998 (90 days after submission of the interconnection agreement to the Commission) to determine whether the agreement or any portion thereof discriminates against a telecommunications carrier not a party to the agreement, or whether the implementation of any portion thereof is inconsistent with the public interest, convenience, and necessity. Staff has not yet filed its recommendation in the interconnection case, and other parties will have an opportunity to file comments, as well. Without knowing whether the underlying interconnection agreement meets the requirements of the Telecommunications Act, the Commission cannot meaningfully review any tariffs which are based upon it or determine the sufficiency of such tariffs. The Commission finds that the public interest will be served if the effective date of MTCC's tariff is suspended for 45 days to July 28, so that the Commission has a full 90 days to approve or reject the agreement in Case No. TO-98-410 and ample time following that period to review the proposed tariff sheets.



## Conclusions of Law

The Missouri Public Service Commission has reached the following conclusions of law:

The Commission has the authority to grant certificates of service authority to provide telecommunications service within the state of Missouri. MTCC has requested certification under Sections 392.420 - .440, and Sections 392.410 and .450, RSMo Supp. 1996. Those statutes permit the Commission to grant a certificate of service authority where the grant of authority is in the public interest. Sections 392.361 and .420 authorize the Commission to modify or suspend the application of its rules and certain statutory provisions for companies classified as competitive or transitionally competitive.

The federal Telecommunications Act of 1996 and Sections 392.185 and 392.455, RSMo Supp. 1996, were designed to institute competition in the basic local exchange telecommunications market in order to benefit all telecommunications consumers. Section 392.185, RSMo Supp. 1996, states that "the provisions of this chapter shall be construed to: (1) Promote universally available and widely affordable telecommunications services; . . . (3) Promote diversity in the supply of telecommunications services and products throughout the state of Missouri; . . . (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 . . ."

The Commission has the legal authority to accept a Stipulation and Agreement as offered by the parties as a resolution of the issues raised in this case, pursuant to Section 536.060, RSMo Supp. 1996. Based upon the information contained within the Stipulation and Agreement of the parties

and on its findings of fact, the Commission concludes that the Stipulation and Agreement shall be approved.

The Commission also has the legal authority to suspend tariffs that are prematurely filed. The Commission concludes that the effective date of MTCC's tariff sheets should be suspended for 45 days to July 28.

Finally, the Commission concludes that MTCC failed to include its street address in its application as required by 4 CSR 240-2.060(1)(A). MTCC should be required to file a pleading containing this information.

**IT IS THEREFORE ORDERED:**

1. That the Stipulation and Agreement of the parties, filed on April 16, 1998, is approved.

2. That Mark Twain Communications Company is granted a certificate of service authority to provide basic local telecommunications services in the state of Missouri to become effective when the company's tariff becomes effective, subject to all applicable statutes and Commission rules except as specified in this order.

3. That Mark Twain Communications Company is classified as a competitive telecommunications company. Application of the following statutes and regulatory rules shall be waived:

Statutes

- 392.210.2 - uniform system of accounts
- 392.270 - valuation of property (ratemaking)
- 392.280 - depreciation accounts
- 392.290.1 - issuance of securities
- 392.300.2 - acquisition of stock
- 392.310 - stock and debt issuance
- 392.320 - stock dividend payment
- 392.340 - reorganization(s)
- 392.330, RSMo Supp. 1996 - issuance of securities, debts and notes

Commission Rules

- 4 CSR 240-10.020 - depreciation fund income
- 4 CSR 240-30.040 - uniform system of accounts
- 4 CSR 240-35 - reporting of bypass and customer-specific arrangements

4. That Mark Twain Communications Company's certification and competitive status are expressly conditioned upon the continued applicability of Section 392.200, RSMo Supp. 1996, and on the requirement that any increases in switched access service rates above the maximum switched access service rates set forth in the agreement must be cost-justified pursuant to Sections 392.220, RSMo Supp. 1996, and 392.230, rather than Sections 392.500 and 392.510.

5. That the effective date of the following tariff sheets submitted by Mark Twain Communications Company on April 29, 1998, is suspended to July 28, 1998, or until otherwise ordered by this Commission:

PSC MO. NO. 1

Original Title Sheet

- Section 1, Original Sheet 1 through Original Sheet 2
- Section 2, Original Sheet 1
- Section 3, Original Sheet 1
- Section 4, Original Sheet 1
- Section 5, Original Sheet 1
- Section 6, Original Sheet 1 through Original Sheet 2
- Section 7, Original Sheet 1 through Original Sheet 4
- Section 8, Original Sheet 1 through Original Sheet 3
- Section 9, Original Sheet 1
- Section 10, Original Sheet 1 through Original Sheet 4
- Section 11, Original Sheet 1
- Section 12, Original Sheet 1
- Section 13, Original Sheet 1
- Section 14, Original Sheet 1 through Original Sheet 2
- Section 15, Original Sheet 1
- Section 16, Original Sheet 1 through Original Sheet 4
- Section 17, Original Sheet 1
- Section 18, Original Sheet 1
- Section 19, Original Sheet 1 through Original Sheet 11
- Section 20, Original Sheet 1 through Original Sheet 4
- Section 21, Original Sheet 1
- Section 22, Original Sheet 1
- Section 23, Original Sheet 1 through Original Sheet 2
- Section 24, Original Sheet 1
- Section 25, Original Sheet 1 through Original Sheet 8

Section 26, Original Sheet 1 through Original Sheet 6  
Section 27, Original Sheet 1  
Section 28, Original Sheet 1  
Section 29, Original Sheet 1  
Section 30, Original Sheet 1  
Section 31, Original Sheet 1 through Original Sheet 3  
Section 32, Original Sheet 1  
Section 33, Original Sheet 1  
Section 34, Original Sheet 1 through Original Sheet 13

6. That Mark Twain Communications Company shall file a pleading containing its street address no later than June 3, 1998.

7. That this order shall become effective on May 29, 1998.

**BY THE COMMISSION**



**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

( S E A L )

Lumpe, Ch., Drainer, Murray  
and Schemenauer, CC., concur.  
Crumpton, C., absent.

Randles, Regulatory Law Judge

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED  
APR 16 1998

MISSOURI  
PUBLIC SERVICE COMMISSION

In the Matter of the Application of )  
Mark Twain Communications Company )  
For a Certificate of Service Authority )  
to provide Basic Local )  
Telecommunications Service in )  
portions of the State of Missouri )  
and to classify said services and )  
the company as competitive. )

Case No. TA-98-305

STIPULATION AND AGREEMENT

1. Mark Twain Communications Company (hereinafter "MTCC" or "Applicant") initiated this proceeding on January 22, 1998 by filing an Application requesting a certificate of service authority to provide basic local telecommunications service in portions of the State of Missouri and to classify said service and the company as competitive.

2. The Commission has granted the timely application to intervene of GTE Midwest Incorporated.

3. For purposes of this Stipulation and Agreement, the parties agree that applications for basic local exchange authority in exchanges served by "large" local exchange companies (LECs)<sup>1</sup> should be processed in a manner similar to that in which applications for interexchange and local exchange authority are currently handled.

4. In determining whether MTCC's application for a certificate of service authority should be granted, the Commission should consider MTCC's technical, financial and managerial resources and abilities

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<sup>1</sup> Large LECs are defined as LECs who serve 100,000 or more access lines. Section 386.020, RSMo Supp. 1997. In Missouri, the current large LECs are Southwestern Bell Telephone Company, GTE Midwest Incorporated and Sprint Missouri.

to provide basic local telecommunications services. MTCC must demonstrate that the basic local services that it proposes to offer satisfy the minimum standards established by the Commission, including but not limited to the Applicant agreeing to file and maintain basic local service tariff(s) with the Commission in the same manner and form as the Commission requires of incumbent local exchange telecommunications companies with which the Applicant seeks to compete. Further, MTCC agrees to meet the minimum basic local service standards, including quality of service and billing standards, as the Commission requires of the incumbent local exchange telecommunications companies with which the Applicant seeks to compete. Notwithstanding the provisions of Section 392.500, RSMo 1994, as a condition of certification and competitive classification, MTCC agrees that, unless otherwise ordered by the Commission, its originating and terminating access rates will be no greater than the lowest Commission-approved corresponding access rates in effect at the date of certification for the large incumbent LEC(s) for each service area within which the Applicant seeks authority to provide service.<sup>2</sup> Further, MTCC agrees to offer basic local telecommunications service as a separate and distinct service. MTCC must sufficiently identify the geographic service area in which it proposes to offer basic local service. Such area must follow the exchange boundaries of the incumbent local exchange telecommunications companies in the same area and must be no smaller than an exchange. Finally, applicant agrees to provide equitable access to affordable telecommunications services, as determined by the Commission, for all Missourians within the geographic area in which it proposes to offer basic local service, regardless of residence or income.<sup>3</sup>

5. MTCC has submitted with its application without tariffs and seeks a temporary waiver of 4 CSR 240-2.060(H).<sup>4</sup> Applicant has completed negotiations with GTE and executed an interconnection

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<sup>2</sup> For the applicant, this places an effective cap at GTE's access rates.

<sup>3</sup> See Section 392.455, RSMo. Supp. 1997.

<sup>4</sup>Good cause for failure to file proposed tariffs with the Application must be shown. The lack of an approved interconnection agreement (47 U.S.C. 252) constitutes good cause.

agreement, but that interconnection agreement has not yet been approved by the Commission. MTCC agrees to file its initial tariff(s) in the certification docket and to serve all parties thereto with written notice at the time the initial tariff(s) are submitted to afford them an opportunity to participate in the tariff approval process. Copies of the tariff(s) will be provided by MTCC to such parties immediately upon request. Any service authority shall be regarded as conditional and shall not be exercised until such time as tariff(s) for services have become effective. When filing its initial basic local tariff(s), MTCC shall also file and serve a written disclosure of all resale or interconnection agreements which affect its Missouri service areas and all portions of its Missouri service areas for which it does not have an interconnection agreement with the incumbent local exchange carrier with its explanation of why such an interconnection agreement is unnecessary for such areas.

6. Pursuant to Section 392.420 RSMo., MTCC has requested that the Commission waive the application of any or all of the following statutory provisions and rules for basic local telecommunications services, and the parties agree that the Commission should grant such request provided that Section 392.200, RSMo Supp. 1997, should continue to apply to all of MTCC's services:

<u>STATUTORY PROVISIONS</u>	<u>COMMISSION RULES</u>
Section 392.210.2	4 CSR 240-10.020
Section 392.270	4 CSR 240-30.040
Section 392.280	4 CSR 240-35
Section 392.290.1	
Section 392.300.2	
Section 392.310	
Section 392.320	
Section 392.330	
Section 392.340	

7. In negotiating the remaining provisions of this Stipulation and Agreement, the parties have employed the foregoing standards and criteria, which are intended to meet the requirements of existing law and Sections 392.450 and 392.455, RSMo Supp. 1997, regarding applications for certificates of service authority to provide basic local telecommunications services.

### MTCC's Certification

8. MTCC has submitted as Appendix B to its Application a listing of the specific exchanges in which it seeks authority to provide basic local telecommunication services. The exchanges identified are those currently served by GTE. MTCC hereby agrees that its original Application should be deemed further amended as required to include by reference the terms and provisions described in paragraphs 4 through 6 hereinabove and paragraph 11 below to the extent that its original Application might be inconsistent therewith.

9. Based upon its verified Application, as amended by this Stipulation and Agreement, MTCC asserts, and no party makes a contrary assertion, that there is sufficient evidence from which the Commission should find and conclude that MTCC:

- A. possesses sufficient technical, financial and managerial resources and abilities to provide basic local telecommunications services;
  - B. proposes and agrees to offer basic local services that will satisfy the minimum standards established by the Commission;
  - C. has sufficiently identified the geographic area in which it proposes to offer basic local service and such area follows exchange boundaries of the incumbent local exchange telecommunications companies in the same areas, and such area is no smaller than an exchange;
  - D. will offer basic local telecommunications services as a separate and distinct service;
  - E. has agreed to provide equitable access to affordable telecommunication services as determined by the Commission, for all Missourians within the geographic area in which it proposes to offer basic local service, regardless of where they live or their income; and
  - F. has sought authority which will serve the public interest.
10. MTCC asserts and no party opposes, that MTCC's application and request for authority to



provide basic local services (including exchange access services) should be granted. All services authorized herein should be classified as competitive telecommunications services provided that the requirements of Section 392.200, RSMo 1997, continue to apply, and MTCC shall be classified as a competitive telecommunications company. MTCC asserts, and no party opposes, that such services will be subject to sufficient competition by the services of the incumbent LECs to justify a lesser degree of regulation for MTCC services consistent with the protection of ratepayers and the promotion of the public interest. Such classification should become effective upon the tariffs for their services becoming effective. Such authority should be conditional, not to be exercised until such time as tariffs for those services have been filed (together with the written disclosure as stipulated above) and have become effective. the Commission's Order should state the foregoing conditions substantially as follows:

"The service authority and service classification herein granted are subject to the requirements of Section 392.200 and are conditional and shall not be exercised until such time as tariffs for services have become effective."

The parties agree that the Applicant's switched exchange access services may be classified as competitive services. The parties further agree that the Applicant's switched exchange access services are subject to Section 392.200, RSMo. Any increases in switched access service rates above the maximum switched access service rates as set forth in paragraph 4 herein shall be cost-justified and be made pursuant to Sections 392.220 and 392.230, and not Sections 392.500 and 392.510. The Commission's order should state the foregoing conditions substantially as follows:

"The service authority and service classification for switched exchange access is expressly conditioned on the continued applicability of Section 392.200 and the requirement that any increases in switched access service rates above the maximum switched access service rates set forth herein shall be cost-justified and be made pursuant to Sections 392.220 and 392.230 and not Sections 392.500 and 392.510."

11. MTCC's request for a temporary waiver of 4 CSR 240-2.060(4)(H), which requires applications to include a proposed tariff with a 45-day effective date, is not opposed by the parties and should be granted because, although MTCC has completed negotiations with GTE, MTCC does not have an approved interconnection agreement with GTE. MTCC agrees that at such time as all facts necessary for the

development of tariffs become known, it will submit tariffs in this docket, with a minimum 45-day proposed effective date, to the Commission for its approval together with the written disclosure as stipulated above. MTCC shall serve notice to all parties and participants in this docket of the filing of its tariffs at the time they are filed with the Commission, and serve them with the aforesaid written disclosure and shall upon request immediately provide any party with a copy of those tariffs. The Commission's order should state these obligations as conditions to the temporary waiver of 4 CSR 240-2.060(4)(H), substantially as follows:

"The Applicant's request for temporary waiver of 4 CSR 240-2.060(4)(H) is hereby granted for good cause in that Applicant does not yet have an approved interconnection agreement with the incumbent local exchange carriers within whose service areas it seeks authority to provide service; provided, when Applicant submits its tariffs in this docket to the Commission such tariffs shall have a minimum 45-day effective date and the Applicant shall serve written notice upon the parties hereto of such submittal, and shall provide copies of such tariffs to such parties immediately upon request. When filing its initial basic local tariff in this docket, the Applicant shall also file and serve upon the parties hereto a written disclosure of all interconnection agreements which affect its Missouri service area and all portions of its Missouri service areas for which it does not have an interconnection agreement with the incumbent local exchange carrier with its explanation of why such interconnection agreement is unnecessary for any such areas."

12. MTCC's request for waiver of the application of the following rules and statutory provisions as they relate to the regulation of MTCC new services should be granted:

<u>STATUTORY PROVISIONS</u>	<u>COMMISSION RULES</u>
Section 392.210.2	4 CSR 240-10.020
Section 392.270	4 CSR 240-30.040
Section 392.280	4 CSR 240-35
Section 392.290.1	
Section 392.300.2	
Section 392.310	
Section 392.320	
Section 392.330	
Section 392.340	

13. This Stipulation and Agreement has resulted from extensive negotiations among the signatories and the terms hereof are interdependent. In the event the Commission does not adopt this Stipulation in total, then this Stipulation and Agreement shall be void and no signatory shall be bound by

any of the agreements or provisions hereof. The stipulations herein are specific to the resolution of this proceeding and are made without prejudice to the rights of the signatories to take other positions in other proceedings.

14. In the event that the Commission accepts the specific terms of this Stipulation and Agreement, the parties and participants waive, with respect to the issues resolved herein, their respective rights pursuant to Section 536.080.1, RSMo 1994, to present testimony, to cross-examine witnesses, and to present oral argument or written briefs; their respective rights to the reading of the transcript by the Commission pursuant to Section 536.080.2, RSMo 1994; and their respective rights to seek rehearing pursuant to Section 386.500, RSMo 1994; and to seek judicial review pursuant to Section 386.510, RSMo 1994. The parties agree to cooperate with the Applicant and with each other in presenting this Stipulation and Agreement for approval to the Commission and shall take no action, direct or indirect, in opposition to the request for approval of MTCC's application made herein.


15. The Staff may submit a Staff Recommendation concerning matters not addressed in this Stipulation. In addition, if requested by the Commission, the Staff shall have the right to submit to the Commission a memorandum explaining its rationale for entering into this Stipulation and Agreement. Each party of record and participant herein shall be served with a copy of any such memorandum and shall be entitled to submit to the Commission, within five (5) days of receipt of Staff's memorandum, a responsive memorandum which shall also be served on all parties and participants. All memoranda submitted by the parties shall be considered privileged in the same manner as settlement discussions under the Commission's rules, shall be maintained on a confidential basis by all parties and participants, and shall not become a part of the record of this proceeding or bind or prejudice the party submitting such memorandum in any future proceeding or in this proceeding whether or not the Commission approves this Stipulation and Agreement. The contents of any memorandum provided by any party are its own and are not acquiesced in or otherwise adopted by the other signatories to the Stipulation and Agreement whether or not the Commission approves and adopts this Stipulation and Agreement. The Staff shall also have the right to provide, at any agenda

meeting at which this Stipulation and Agreement is noticed to be considered by the Commission, whatever oral explanation the Commission requests, provided that the Staff shall, to the extent reasonably practicable, provide the other parties and participants with advance notice of when the Staff shall respond to the Commission's request for such explanation once such explanation is requested from the Staff. The Staff's oral explanation shall be subject to public disclosure.

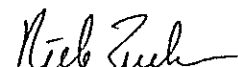
16. The Office of Public Counsel, while not a signatory to this Stipulation and Agreement, has been contacted with regard to this filing and has offered no objection.

WHEREFORE, the signatories respectfully request the Commission to issue its Order approving the terms of this Stipulation and Agreement and issue its Order granting authority and classification as requested by MTCC, subject to the conditions described above, as expeditiously as possible.


Respectfully submitted,

  
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FOR: Staff of the Public Service Commission

## GENERAL AND LOCAL EXCHANGE TARIFF

LOCAL EXCHANGE SERVICE

## G. Local Exchange Listings

## 1. Exchange Listings (Includes EAS Points, EAS Rate Component, Rate Schedule and Rate Group)

<u>Exchange Name</u>	<u>EAS Points</u>	<u>EAS Rate Component</u>		<u>Rate Sch./Group</u>
		<u>Bus.</u>	<u>Res.</u>	
Alton	Thomasville	\$ 1.80	\$ 1.80	A-2
Amazonia	Savannah	4.50	2.45	A-1
Annapolis	-	-	-	A-1
Arcola	Greenfield	3.20	3.20	A-1
Ashland	Columbia	2.85	1.55	A-2
Augusta	-	-	-	Metro
Aurora	-	-	-	A-3
Ava	-	-	-	A-3
Avenue City	Cosby, Helena, Savannah	4.90	2.65	A-1
Avilla	-	-	-	A-1
Belgrade	-	-	-	A-1
Belle	-	-	-	A-2
Belleview	-	-	-	A-1
Birch Tree	-	-	-	A-1
Bland	-	-	-	A-1
Blue Eye	-	-	-	A-2
Bolckow	Rosendale, Savannah, Whitesville	6.95	3.75	A-1
Boss	-	-	-	A-1
Bourbon	-	-	-	A-2
Bradleyville	Forsyth	.75	.75	A-1
Branson	Branson West	1.65	1.65	A-4
Branson West	Branson	2.65	2.65	A-2

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## G. Local Exchange Listings (Cont'd)

## 1. Exchange Listings (Includes EAS Points, EAS Rate Component, Rate Schedule and Rate Group) (Cont'd)

<u>Exchange Name</u>	<u>EAS Points</u>	<u>EAS Rate Component</u>		<u>Rate Sch./Group</u>
		<u>Bus.</u>	<u>Res.</u>	
Braymer	-	-	-	A-1
Bronaugh-Moundville	-	-	-	A-1
Brunswick (Triplett)	-	-	-	A-1
Buffalo	-	-	-	A-3
Bunker	-	-	-	A-1
Cabool	-	-	-	A-2
Caledonia	-	-	-	A-1
Cameron	Kidder	\$ .40	\$ .20	A-3
Canton	-	-	-	A-2
Cape Fair	-	-	-	A-2
Cassville	Exeter, Jenkins, Mans, Washburn	2.90	2.90	A-3
Caulfield	Gainesville	3.10	3.10	A-2
Cedar Creek	Forsyth	.75	.75	A-1
Centerville	-	-	-	A-1
Centralia	Clark, Sturgeon	.55	.30	A-2
Chamois	-	-	-	A-1
Clarence	-	-	-	A-1
Clark	Centralia, Sturgeon	3.55	1.90	A-1
Clarksdale	-	-	-	A-1
Collins	-	-	-	A-1
Columbia	Ashland, Hallsville, Rocheport	.30	.15	A-5
Concordia	-	-	-	A-2
Conway	-	-	-	A-2

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<u>Exchange Name</u>	<u>EAS Points</u>	<u>EAS Rate Component</u>		<u>Rate Sch./Group</u>
		<u>Bus.</u>	<u>Res.</u>	
Cosby	Avenue City, Helena, Savannah	\$9.45	\$5.10	A-1
Crane	-	-	-	A-2
Cross Timbers	-	-	-	A-1
Cuba	-	-	-	A-3
Dadeville	-	-	-	A-1
Dalton	Keytesville	2.35	2.35	A-1
Dardenne/ Lake St. Louis	-	-	-	Metro
Defiance	-	-	-	Metro
Dora	Gainesville	3.65	3.65	A-1
Easton	Gower	1.10	.60	A-1
Edgar Springs	-	-	-	A-1
Eldorado Springs	Schell City, Walker	2.45	2.45	A-3
Elkland	Marshfield	1.90	1.90	A-1
Ellsinore	-	-	-	A-1
Elmer	La Plata	3.20	3.20	A-1
Eminence	-	-	-	A-1
Everton	-	-	-	A-1
Ewing	-	-	-	A-1
Exeter	Cassville, Washburn	3.65	3.65	A-1

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<u>Exchange Name</u>	<u>EAS Points</u>	<u>EAS Rate Component</u>		<u>Rate Sch./Group</u>
		<u>Bus.</u>	<u>Res.</u>	
Fillmore	Rosendale, Savannah	\$5.60	\$3.05	A-1
Foley	Old Monroe, Winfield	3.45	3.45	A-1
Fordland	-	-	-	A-2
Foristell	Wright City	1.00	1.00	Metro
Forsyth	Bradleyville, Cedar Creek, Protem	1.75	1.75	A-3
Fremont	-	-	-	A-1
Gainesville	Caulfield, Dora, Theodosia, Wasola	3.65	3.65	A-2
Galena	-	-	-	A-2
Golden City	-	-	-	A-1
Gorin	-	-	-	A-1
Gower	Easton, Plattsburg	2.00	1.10	A-1
Greenfield	Arcola	1.80	1.80	A-2
Grovespring	Hartville, Manes	3.65	3.65	A-1
Hallsville	Columbia	3.70	2.00	A-2
Hamilton	Kidder, Kingston	.80	.45	A-2
Hartville	Grovespring, Manes	2.95	2.95	A-2
Hawk Point	Troy	3.65	3.65	A-1
Helena	Avenue City, Cosby, Savannah	5.75	3.10	A-1

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<u>Exchange Name</u>	<u>EAS Points</u>	<u>EAS Rate Component</u>		<u>Rate Sch./Group</u>
		<u>Bus.</u>	<u>Res.</u>	
Hermann	-	-	-	A-2
Hermitage	-	-	-	A-1
High Hill	-	-	-	A-1
Highlandville	Ozark	\$2.65	\$2.65	A-2
Holstein	-	-	-	A-1
Houston	Raymondville, Roby	2.80	2.80	A-2
Humansville	-	-	-	A-2
Hunnewell	-	-	-	A-1
Hurley	-	-	-	A-1
Irondale	-	-	-	A-1
Ironton	-	-	-	A-3
Jamestown	-	-	-	A-1
Jenkins	Cassville	3.65	3.65	A-1
Jerico Springs	-	-	-	A-1
Jonesburg	-	-	-	A-1
Kahoka	Luray, Revere, Wayland	.95	.50	A-2
Keytesville	Dalton	2.35	2.35	A-1
Kidder	Cameron, Hamilton	6.10	3.30	A-1
Kimberling City	-	-	-	A-2
Kingston	Hamilton	1.40	.75	A-1
Koshkonong	Thayer	3.15	3.15	A-1

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<u>Exchange Name</u>	<u>EAS Points</u>	<u>EAS Rate Component</u>		<u>Rate Sch./Group</u>
		<u>Bus.</u>	<u>Res.</u>	
LaBelle	-	-	-	A-1
Ladonia	-	-	-	A-1
LaGrange	-	-	-	A-1
La Plata	Elmer	\$1.80	\$1.80	A-2
Lawson	-	-	-	A-2
Leasburg	-	-	-	A-1
Lesterville	-	-	-	A-1
Lewistown	-	-	-	A-1
Licking	-	-	-	A-2
Louisburg	-	-	-	A-1
Lowry City	-	-	-	A-1
Maxon	-	-	-	A-3
Manes	Grovespring, Hartville	3.65	3.65	A-1
Mano	Cassville	3.65	3.65	A-2
Mansfield	-	-	-	A-2
Marshfield	Elkland	.90	.90	A-3
Marthasville	-	-	-	A-1
Maysville	-	-	-	A-2
Memphis	Arbela, Brock, Tobin Creek	.90	.50	A-2
Milo	Nevada, Sheldon	3.65	3.65	A-1
Monroe City	-	-	-	A-2
Montauk Park	-	-	-	A-1
Monticello	-	-	-	A-1
Morrison	-	-	-	A-1
Moscow Mills	Troy	3.65	3.65	A-1
Mount Sterling	-	-	-	A-1
Mt. Vernon	-	-	-	A-3
Mtn. Grove	-	-	-	A-3
Mtn. View	-	-	-	A-2

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		<u>Bus.</u>	<u>Res.</u>	
Nebo	-	-	-	A-1
New Melle	-	-	-	Metro
Niangua	-	-	-	A-1
Norwood	-	-	-	A-1
Oates	-	-	-	A-1
O'Fallon	-	-	-	Metro
Old Monroe	Foley, Winfield	\$3.30	\$3.30	A-1
Osborn	-	-	-	A-1
Osceola	-	-	-	A-2
Ozark	Highlandville	2.15	2.15	A-3
Palmyra	-	-	-	A-2
Paris	-	-	-	A-2
Perry	-	-	-	A-1
Pittsburg	-	-	-	A-1
Plattsburg	Gower, Trimble, Turney	1.80	1.00	A-2
Potosi	-	-	-	A-3
Prairie Home	-	-	-	A-1
Preston	-	-	-	A-1
Protem	Forsyth	.75	.75	A-1
Queen City	Greentop	.50	.25	A-1

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		<u>Bus.</u>	<u>Res.</u>	
Raymondville	Houston	\$3.30	\$3.30	A-1
Reeds Spring	-	-	-	A-2
Revere	Kzhoka	2.90	2.90	A-1
Roby	Houston	3.45	3.45	A-1
Rocheport	Columbia	6.15	3.35	A-1
Rockaway Beach	-	-	-	A-2
Rockville	Schell City	2.00	2.00	A-1
Rosendale	Bolckow, Fillmore, Savannah, Whitesville	7.90	4.25	A-1
St. James	Safe	.10	.10	A-3
St. Peters	Harvester	1.00	1.00	Metro
Safe	St. James	.75	.75	A-1
Santa Fe	-	-	-	A-1
Sarcoxie	-	-	-	A-2
Savannah	Amazonia, Avenue City, Bolckow, Cosby, Fillmore, Helena, Rosendale, Whitesville	2.60	1.40	A-3
Schell City	Eldorado Springs, Rockville, Walker	3.65	3.65	A-1
Seymour	-	-	-	A-2
Shelbina	-	-	-	A-2
Shelbyville	-	-	-	A-1
Sheldon	Milo	2.60	2.60	A-1
Shell Knob	-	-	-	A-2

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		<u>Bus.</u>	<u>Res.</u>		
Sparta	-	-	-	A-2	(0)
Stewartsville	-	-	-	A-1	(0)
Stoutsville	-	-	-	A-1	
Sturgeon	Centralia, Clark	\$1.95	\$1.05	A-1	
Summersville	-	-	-	A-2	
Thayer	Koshkonong, Mammoth Springs, AR	2.35	2.35	A-2	
Theodosia	Gainesville, Wasola	3.65	3.65	A-1	
Thomasville	Alton	3.20	3.20	A-1	
Timber	-	-	-	A-1	
Trimble	Plattsburg	4.15	2.25	A-1	
Troy	Hawk Point, Moscow Hills	2.50	2.50	A-3	
Truxton	-	-	-	A-1	
Turney	Plattsburg	5.15	2.80	A-1	
Unionville	Lemons	.15	.10	A-2	
Urbana	-	-	-	A-2	
Van Buren	-	-	-	A-2	
Vanzant	-	-	-	A-1	
Vichy	-	-	-	A-1	

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<u>Exchange Name</u>	<u>EAS Points</u>	<u>EAS Rate Component</u>		<u>Rate Sch./Group</u>
		<u>Bus.</u>	<u>Res.</u>	
Walker	Eldorado Springs, Schell City	\$3.65	\$3.65	A-1
Warrenton	-	-	-	A-3
Washburn	Cassville, Exeter	3.65	3.65	A-1
Wasola	Gainesville, Theodosia	3.65	3.65	A-1
Wayland(*)	Kahoka	.90	.50	A-1
Weaubleau	-	-	-	A-1
Wentzville	-	-	-	Metro
West Plains	-	-	-	A-4
West Quincy	Quincy	3.65	3.65	A-1
Wheatland	-	-	-	A-2
Whitesville	Bolckow, Rosendale, Savannah	10.55	5.70	A-1
Willow Springs	-	-	-	A-2
Winfield	Foley, Old Monroe	2.35	2.35	A-2
Winona	-	-	-	A-1
Wooldridge	-	-	-	A-1
Wright City	Foristell	1.90	1.90	A-2

(\*) Includes customers in Base Rate Area Alexandria.

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