

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 24th day of  
May, 2007.

In the Matter of the Application of Big River )  
Telephone Company, LLC to Expand Its )  
Certificate of Basic Local Service Authority )  
to Include Provision of Basic Local Exchange )  
Telecommunications Service in the Exchanges )  
of BPS Telephone Company and to Continue )  
to Classify the Company and its Services as )  
Competitive )

**Case No. TA-2007-0093**

**ORDER DENYING MOTION FOR REHEARING**

Issue Date: May 24, 2007

Effective Date: May 24, 2007

The Missouri Public Service Commission issued its Report and Order in this matter on April 24, 2007,<sup>1</sup> bearing an effective date of May 4. In that order, the Commission conditionally granted Big River Telephone Company, L.L.C. ("Big River") a certificate of service authority to provide basic local telecommunications services in the exchanges of Bernie, Parma and Steele, all of which are served by incumbent BPS Telephone Company ("BPS"). BPS had opposed this grant, and the Commission held an evidentiary hearing to address the concerns raised by BPS on February 13.

On May 3, BPS timely filed a motion for rehearing. BPS essentially reargues all of the positions it presented at hearing and in its brief and claims that the Commission's order is unjust, unlawful and unreasonable.

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<sup>1</sup> All dates throughout this order refer to the year 2007 unless otherwise noted.

The Commission is authorized to grant rehearing "if in its judgment sufficient reason therefore be made to appear."<sup>2</sup> Section 386.430, RSMo 2000, provides:

In all trials, actions, suits and proceedings arising under the provisions of this chapter or growing out of the exercise of the authority and powers granted herein to the commission, the burden of proof shall be upon the party adverse to such commission or seeking to set aside any determination, requirement, direction or order of said commission, to show by clear and satisfactory evidence that the determination, requirement, direction or order of the commission complained of is unreasonable or unlawful as the case may be.

In its motion for rehearing, BPS merely reargues its previously advocated and thoroughly considered positions. BPS offers no affirmative statement or demonstration of the existence of any alleged evidence that would be offered in a subsequent proceeding to rebut the current findings of fact and conclusions of law made by the Commission. BPS fails to meet its burden to show by clear and satisfactory evidence that the April 24, 2007 Report and Order in this matter is unjust, unreasonable or unlawful. Consequently, the motion for rehearing shall be denied.

**IT IS ORDERED THAT:**

1. BPS Telephone Company's May 3, 2007 Motion for Rehearing is denied.
2. This order shall become effective on May 24, 2007.

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<sup>2</sup> Section 386.500.1, RSMo 2000. Having granted rehearing, "[i]f . . . the commission shall be of the opinion that the original order or decision or any part thereof is in any respect unjust or unwarranted, or should be changed, the commission may abrogate, change or modify the same." Section 386.500.4, RSMo 2000. The Court of Appeals has stated, "When a rehearing is granted by the PSC, the case stands as if it had not been previously heard." *State ex rel. AG Processing v. Thompson*, 100 S.W.3d 915, 921 (Mo. App. 2003); *State ex rel. State Highway Comm'n v. Pub. Serv. Comm'n*, 459 S.W.2d 736, 739 (Mo. App. 1970).

3. This case shall be closed on May 25, 2007.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written in a cursive style.

Colleen M. Dale  
Secretary

( S E A L )

Davis, Chm., Murray, Gaw, Clayton and Appling, CC., concur

Stearley, Regulatory Law Judge