

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

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

**INTERVENOR BPS TELEPHONE COMPANY'S
STATEMENT OF POSITION, WITNESS LIST AND
ORDER OF CROSS-EXAMINATION**

Comes now Intervenor BPS Telephone Company ("BPS") and for its Statement of Position, Witness List and Order of Cross-Examination states to the Missouri Public Service Commission ("Commission") as follows:

Statement of Position:

Issue 1. Section 392.450.1 states that an applicant for a certificate of service authority to provide basic local telecommunications service must show that it has complied with the certification process established pursuant to Section 392.455, which in turn sets out several requirements for an applicant to meet before a certificate can be granted. An applicant seeking a certificate of service authority to provide basic local telecommunications service in an area served by a small incumbent local exchange telecommunications company such as BPS also must comply with the provisions of Section 392.451 in order for the Commission to approve its application. Pursuant to these statutes the Commission has promulgated 4 CSR 240-3.510 setting out the requirements for an application for certificate of basic local service authority. Has Big River demonstrated that it meets all of

the applicable requirements of Sections 392.450, 392.451, and 392.455 and 4 CSR 240-3.510, such that the Commission should approve its application to expand its area of basic local service authority to include the BPS exchanges?

No. Big River has not demonstrated that it meets all of the applicable requirements of the statutes. For example, § 392.451.1(1) requires that service, including all the services determined by the Commission to be essential services, must be provided *throughout* the small telephone company's service area. Big River has not sufficiently demonstrated that it will offer service to end users throughout the BPS service in areas not served by its cable TV partners nor whether the services will be the same in those areas as in the areas where Big River's cable TV partners have facilities. It is also not entirely clear whether Big River will be providing service to the end user customers or whether the cable TV partners will be providing such service. In addition, the services offered in Big River's tariff are not consistent with the services being offered in the exchanges where Big River currently provides service.

Issue 2. In its Application, Big River has requested that the company and the services it proposes to offer in the BPS service area be classified as competitive under Section 392.361. Section 392.451 states that the Commission shall adopt rules requiring applicants to "comply with all of the same rules and regulations as the commission may impose on the incumbent local exchange telecommunications company with which the applicant seeks to compete." Is Big River's request to continue to be classified as competitive and to designate the services it proposes to offer in the BPS service area as competitive services permissible under Section 392.451, such that the Commission should grant the requested continued classification?

No. BPS does not believe that Big River and its services can be classified as competitive in the exchanges served by BPS. Under the plain meaning of the statute, such classifications are clearly inconsistent with the requirement to comply with all the rules and regulations of the Commission.

Issue 3. In its application for a certificate of service authority, Big River has requested that the Commission waive certain statutory provisions and rules that have been waived for other applicants requesting competitive local exchange authority pursuant to Section 392.361. Section 392.451 states that the Commission shall adopt rules requiring applicants to “comply with all of the same rules and regulations as the commission may impose on the incumbent local exchange telecommunications company with which the applicant seeks to compete.” Is Big River’s request for waivers of statutes and rules relative to providing service BPS exchanges permissible under Section 392.451, such that the Commission should grant the requested waivers?

No. Big River’s request for waivers of Commission statutes and rules is not consistent with the provisions of § 392.451, RSMo 2000. The statute is very clear in stating that any applicant for a certificate of service authority in a small company exchange is required, at a minimum, 1) to file and maintain tariffs in the same manner as the company with which it seeks to compete; 2) to meet the minimum service standards as the Commission requires of the incumbent; 3) to make the same reports and other information filings with the Commission that the incumbent must make; and 4) to comply with all of the same rules and regulations as the Commission may impose on the incumbent with which it seeks to compete.

List and Order of Witnesses:

Gerard Howe - Big River Telephone

John Van Eschen - Staff

Robert Schoonmaker - BPS Telephone

Order of Cross-Examination:

Witness Gerard Howe:

Staff, BPS

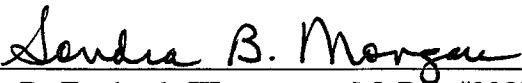
Witness John Van Eschen:

Big River, BPS

Witness Robert Schoonmaker:

Staff, Big River

Respectfully submitted,



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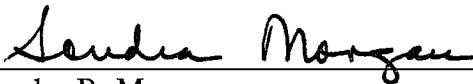
Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent by electronic transmission, hand-delivered, or mailed, United States Mail, postage prepaid, this 2d day of February, 2007, to:

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