

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 18th day of May, 2006.

In the Matter of a Request for Expansion of the)
St. Louis Metropolitan Calling Area Plan to Include the) **Case No. TO-2005-0141**
Exchanges of Washington, Union, Wright City, St. Clair,) (consolidated with TO-2003-0298)
Marthasville, Beaufort, Foley and, Warrenton.)

ORDER APPROVING STIPULATION AND AGREEMENT
AND ORDER DIRECTING FILING

Issue Date: May 18, 2006

Effective Date: May 28, 2006

Syllabus: This order approves the Stipulation and Agreement and directs CenturyTel of Missouri, LLC, to file tariffs in order to implement the terms of that agreement.

On April 18, 2006, the Office of the Public Counsel, CenturyTel, and the Staff of the Missouri Public Service Commission filed a Stipulation and Agreement. None of the intervenors signed the agreement, but according to Commission rule 4 CSR 240-2.115(2)(C), if no party objects, the Commission may treat a stipulation and agreement as a unanimous stipulation and agreement. Orchard Farm Telephone Company filed a response in which it said it did not oppose the agreement but that it wanted to “reserve the right to file revenue neutral tariffs if implementation of the Stipulation and Agreement results in a material revenue loss to Orchard Farm.” No other party responded and, therefore, the Stipulation and Agreement will be treated as a unanimous stipulation and agreement.

The parties agreed that the Foley, Holstein, Marthasville, Warrenton, and Wright City exchanges will become a new Tier 6 of the St. Louis Metropolitan Calling Area (MCA) Plan. MCA service for the five CenturyTel exchanges would be optional and would cost \$35.50 for residential customers and \$95.00 for business customers in addition to basic local service and any other extended area service (EAS) charges. The parties also agreed that, under the current law, CenturyTel may revise its prices through the tariff process. Customers subscribing to the MCA service will need to change their telephone number to an MCA-designated telephone number. In addition to their local calling scope, subscribers to the new MCA Tier 6 will be able to call without a toll charge to all numbers in MCA-Central, MCA Tiers 1 through 5, and to all Tier 6 MCA subscribers. The parties also agreed that all other provisions of the MCA plan will apply, including bill-and-keep compensation.

The Commission held public hearings in Washington, Missouri, on January 12, 2006, and in Innsbrook, Missouri, on January 18, 2006, to receive comments about the plan filed by the Public Counsel. On February 23, 2006, the Commission approved a Stipulation and Agreement adding certain AT&T Missouri exchanges to Tier 5.

The parties indicated in their agreement that it will take time for CenturyTel and each of the other telecommunications carriers participating in the St. Louis MCA to revise their routing functions in order to accommodate these changes. CenturyTel will also need to file revised tariffs.

The Commission has the legal authority to accept a stipulation and agreement as offered by the parties as a resolution of issues raised in this case.¹ In reviewing the agreement, the Commission notes that²

[e]very decision and order in a contested case shall be in writing, and, except in default cases, or cases disposed of by stipulation, consent order or agreed settlement, the decision, including orders refusing licenses, shall include or be accompanied by findings of fact and conclusions of law. * * *

Consequently, the Commission need not make either findings of fact or conclusions of law in this order.

The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence.³ Since no one has requested a hearing in this case, the Commission may grant the relief requested based on the agreement and the verified pleadings filed in this docket, which are hereby admitted into evidence.

The record reflects that while an optional MCA plan may not be the best choice for some customers, it is in the public interest to have the option available. Customers who choose to subscribe will benefit from a greatly increased calling scope and two-way calling from certain MCA Tiers and other MCA subscribers.

Based on the agreement of the parties and the testimony received at the local public hearings, the Commission finds that the parties have reached a just and reasonable

¹Section 536.060, RSMo Supp. 2005.

²Section 536.090, RSMo Supp. 2005. This provision applies to the Public Service Commission. *State ex rel. Midwest Gas Users' Association v. Public Service Commission of the State of Missouri*, 976 S.W.2d 485, 496 (Mo. App., W.D. 1998).

³ *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App. 1989).

settlement in this case. Accordingly, the Commission shall direct the parties to abide by the terms of the agreement. The Commission shall also direct CenturyTel to expeditiously file proposed tariff sheets with an effective date on the earliest possible date that the provisions of the agreement can be implemented.

As a note to potential MCA plan subscribers in these exchanges, the Commission recommends that before subscribing to any calling plan, especially an optional plan that would require getting a new telephone number, telephone customers should review the various calling plans available from CenturyTel and the other competitive local exchange carriers in the area. There are numerous offerings available for both business and residential customers. Customers should ask specific questions and understand what the plans cover and what they cost before subscribing to any plan. Resources for comparing calling plans and links to consumer information websites can be found at the Commission's website, <http://www.psc.mo.gov/consumer-information.asp>, as well as at the website for the Office of the Public Counsel, <http://www.mo-opc.org/telephone/longdist.htm>.

IT IS ORDERED THAT:

1. The Stipulation and Agreement filed on April 18, 2006, is hereby approved (See Attachment A).
2. The parties to this case are ordered to comply with the terms of the Stipulation and Agreement.
3. No later than June 19, 2006, CenturyTel of Missouri, LLC, shall file tariff sheets designed to implement the provisions of the Stipulation and Agreement with an effective date that is the earliest possible date that the provisions of the agreement can be implemented.

4. This order shall become effective on May 28, 2006.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

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

Dippell, Deputy Chief Regulatory Law Judge