

**BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION**

In the Matter of Big River Telephone Company,	)	
LLC's Request for Expedited Approval of its	)	Case No. TT-2010-0141
Tariff Change Introducing Foreign Exchange	)	(tariff file no. YL-2010-0326)
Service.	)	

**Application to Intervene**

Comes now Chariton Valley Telephone Corporation (Chariton Valley), pursuant to 4 CSR 240-2.075, and hereby applies to intervene in this tariff proceeding.

Simultaneously with this filing, Chariton Valley is filing a Motion to Reject the proposed tariffs for being moot, and an alternative Motion to Suspend and Investigate the tariffs proposed by Big River Telephone Company, LLC (Big River), and ultimately to reject them. In support of this Application Chariton Valley states as follows:

**Summary**

Big River and Chariton Valley compete in Chariton Valley's Huntsville exchange. Big River and Chariton Valley negotiated, voluntarily agreed to, and executed a written interconnection agreement ("Agreement"). Pursuant to the Telecommunications Act of 1996 this Agreement was submitted to, and approved by, this Commission. The Agreement now sets forth the terms and conditions that bind Big River, Chariton Valley, and this Commission.

The dispute arose when Big River asked Chariton Valley to accept Big River's assignment of a Salisbury exchange telephone number to a Big River customer located in the Huntsville exchange. Chariton Valley refused because Big River's request was contrary to the terms of the interconnection agreement. The Agreement prohibits the

assignment of a telephone number rated for one rate center to a customer located in a different rate center, referred to a “virtual NXX”, or “VNXX”.

Big River has filed the tariffs at issue here in an attempt to evade the terms of the interconnection agreement, including its dispute resolution provisions.

### **Allegations**

1. Chariton Valley is an incumbent local exchange telecommunications company certified by the Commission to provide telecommunications services in the State of Missouri, and providing those services in north central Missouri. Chariton Valley’s street address and principal place of business is 1213 East Briggs Drive, P.O. Box 67, Macon, Missouri 63552. Chariton Valley is a Missouri corporation in good standing with the state of Missouri. A copy of its certificate of good standing from the Missouri Secretary of State is marked ATTACHMENT A hereto.

2. All Correspondence, pleadings, notices, orders, and decisions in this matter should be addressed to:

James Simon  
Chariton Valley Telephone Corp.  
P.O. Box 67  
1213 East Briggs Drive  
Macon, MO 63552  
(660) 395-9600  
(660) 395-4403  
jsimon@charitonvalley.com

and to

Craig S. Johnson  
Mo Bar # 28179  
Of Counsel  
Berry Wilson, LLC  
304 East High Street, Suite 100  
P.O. Box 1606  
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(573) 638-7272  
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craigsjohnson@berrywilsonlaw.com

3. Chariton Valley does not have any pending action, or final unsatisfied judgment or decisions against it from any state or federal agency or court, which involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of the application.

4. Chariton Valley does not have any annual reports or assessment fees that are overdue.

5. As set forth below, as set forth in its November 5, 2009 Opposition to Motion for Expedited Treatment, as set forth in its accompanying Motion to Reject the proposed tariffs for mootness, and as set forth in its alternative accompanying Motion to Suspend and Investigate the proposed tariffs, Chariton Valley's interest in the subject matter of this proceeding is different from that of the general public.

6. Big River and Chariton Valley compete to provide local service in the Huntsville exchange. Big River and Chariton Valley voluntarily negotiated, agreed to, and executed an Interconnection Agreement (hereinafter "Agreement"). That Agreement was submitted to the Commission for approval, and by Order of January 6, 2009 in Case No. TK-2009-0202, the Agreement was approved.

7. The Agreement requires Big River to obtain telephone numbers and assign them to customers located within the rate center to which the number has been assigned by the North America Numbering Plan. The Agreement prohibits the assignment of a number assigned to a particular rate center to a customer located in another rate center.

See Chariton Valley's accompanying Motion to Suspend and Investigate the proposed tariffs for more detail with respect to the applicable provisions of the Agreement.

8. Months ago Big River obtained numbering resources specifically assigned to the Salisbury, Missouri rate center or exchange. Big River has never obtained a certificate of service authority permitting it to provide service in Salisbury. Big River failed to obtain numbering resources specifically assigned to the Huntsville, Missouri rate center until after it filed the proposed tariffs herein.

9. Big River, without advance notification to Chariton Valley, gave a customer located in the Huntsville rate center a telephone number assigned to the Salisbury rate center.

10. Big River asked Chariton Valley to recognize this number under the terms of the Agreement. Big River's assignment of a Salisbury number to a Huntsville customer is in violation of Central Office Code Assignment Guidelines. Big River's assignment is in violation of the North American Numbering Plan. Big River's assignment constituted a virtual NXX, or VNXX prohibited by the Agreement. Because Big River's number assignment was in violation of the Agreement and industry conventions regarding number assignment, Chariton Valley refused.

11. Rather than adhere to the dispute resolution provisions of the Agreement, Big River filed the proposed tariff sheets at issue herein in an attempt to evade the terms of that Agreement.

12. This Commission should not sanction any act that contravenes an Interconnection Agreement approved pursuant to the Telecommunications Act of 1996, as amended. As an incumbent local exchange telecommunications company, Chariton

Valley is obligated to negotiate requests for interconnection agreements, and submit them to this Commission for approval. This Commission is required to approve or reject them by applicable federal law. Once approved the Agreement serves as the playing field upon which competitors compete. Agreements should not be permitted to be ignored, violated, or circumvented by a tariff filing such as the one at issue here.

13. Big River's proposed tariff would not correct its violation of the NANP rules or Central Office Code Assignment Guidelines. Big River's proposed tariff would not correct its violation of the Agreement by assigning a Huntsville number for Big River's Huntsville customer. Instead Big River attempts to avoid compliance with the Guidelines, and with the interconnection agreement, by giving improperly numbered customers a free Foreign Exchange service into the exchange where the number properly should reside. Big River's attempt to avoid compliance should not be sanctioned. Approval of Big River's tariff would establish a conflict between the terms of the tariff and the terms of the approved Agreement.

It would be incongruous for the Commission to approve a tariff that is in violation of the terms of an approved interconnection agreement the Commission had earlier approved. That would set the stage for awkward issues of which determination has priority of legal effect.

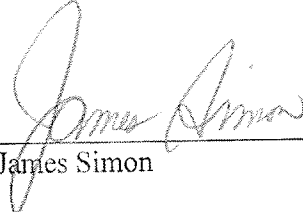
Wherefore, for reasons set forth herein, Chariton Valley requests that it be granted intervention in order to oppose the tariffs proposed by Big River.

/s/ Craig S. Johnson  
Craig S. Johnson  
MoBar # 28179  
Berry Wilson, LLC  
304 East High Street  
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P.O. Box 1606  
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craigsjohnson@berrywilsonlaw.com

VERIFICATION

STATE OF MISSOURI     )  
                                  ) ss  
COUNTY OF MACON     )

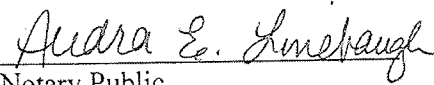
I, James Simon, General Manager of Chariton Valley Telephone Corporation,  
hereby verify and affirm that I have read the foregoing Application to Intervene, and that  
the statements contained therein are true and correct to the best of my knowledge,  
information, and belief.

  
James Simon

Subscribed and sworn to before me this 11 th day of November, 2009.



AUDRA E. LINEBAUGH  
My Commission Expires  
May 27, 2010  
Chariton County  
Commission #06434277

  
Notary Public

My commission expires: May 27, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this pleading was electronically mailed to the following attorneys of record in this proceeding this 11<sup>th</sup> day of November, 2009:

General Counsel  
Missouri Public Service Commission  
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/s/ Craig S. Johnson  
Craig S. Johnson