

**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

**STAFF'S POSITION STATEMENT/WITNESS LIST/ORDER OF CROSS-
EXAMINATION**

COMES NOW the Staff of the Missouri Public Service Commission and for its
Position Statement respectfully states as follows:

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 a certificate of 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?

Staff's position is that Big River's tariffs should be updated prior to the expansion of its certificate of service authority, pursuant to Sections 392.450.2(1) and 392.451.2(1). Big River should also submit an acceptable plan to address Staff concerns regarding the tracking and compilation of future quarterly quality of service reports. Big River has

recently submitted delinquent quarterly quality of service reports and has had conversations with Staff members regarding the tracking and compilation of results for these reports. Staff has instructed Big River how the data in the reports should be tracked and compiled. Big River needs to resolve concerns regarding how the company tabulates these reports prior to any expansion of its authorized service territory. Big River has filed all other reports as required. Other than the previously noted deficiencies regarding Big River's tariff and concerns regarding how the company compiles its quarterly quality of service reports, Staff believes that Big River has complied with all requirements of Section 392.455. Staff is of the opinion that Big River has complied with the requirements of 4 C.S.R. 240-3.510.

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?

Staff's position is that Big River should be allowed to continue its competitive classification.

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 in BPS exchanges permissible under Section 392.451, such that the Commission should grant the requested waivers?

Staff’s position is that it is permissible for the Commission to grant the waivers requested by Big River. Staff notes that these waivers are routinely granted to companies who are granted competitive classification. Most of the waivers pertain to financial reporting requirements which only have relevance to rate of return regulated companies such as BPS.

LIST OF STAFF WITNESSES

John Van Eschen, Telecommunications Department Manager

ORDER OF CROSS-EXAMINATION

Big River Telephone Company

Intervenor BPS Telephone Company

Respectfully submitted,

/s/ Jennifer Heintz_____

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 1st day of February 2007.

/s/ Jennifer Heintz_____