# ANDERECK, EVANS, MILNE, PEACE & JOHNSON, L.L.C.

TERRY M. EVANS ERWIN L. MILNE JACK PEACE CRAIG S. JOHNSON RODRIC A. WIDGER GEORGE M. JOHNSON BEVERLY J. FIGG WILLIAM S. LEWIS VICTOR S. SCOTT COREY K. HERRON MATTHEW M. KROHN LANETTE R. GOOCH SHAWN BATTAGLER ATTORNEYS AT LAW 700 EAST CAPITOL AVENUE COL. DARWIN MARMADUKE HOUSE P.O. BOX 1438 JEFFERSON CITY, MISSOURI 65102-1438 TELEPHONE 573-634-3422 FAX 573-634-7822

December 20, 2004

JOSEPH M. PAGE LISA C. CHASE JUDITH E. KOEHLER ANDREW J. SPORLEDER JASON A. PAULSMEYER BRYAN D. LADE CONNIE J. MORLEY R. AARON MARTINEZ DUSTIN G. DUNKLEE AMANDA N. KLEIN MARVIN L. SHARP, Of Commisse

EUGENE E. ANDERECK (1923-2004) GREGORY C. STOCKARD (1904-1993) PHIL HAUCK (1924-1991)

Secretary Public Service Commission P.O. Box 360 Jefferson City, Missouri 65102

#### Missouri Public Bervice Commission

FLED

DEC 2 0 2004

Re: In the Matter of a Request for the Modification of the Kansas City Metropolitan Calling Area Plan to Make the Lexington Exchange Part of the Mandatory MCA Tier 5

Dear Secretary:

Enclosed for filing please find an original and eight copies of the Mokan Dial, Inc., Application to Intervene in the above referenced case.

If you have any questions, please contact me at the number listed above.

Sincerely, Bun J.L.

BDL:lw

Encl.

CC: Office of the Public Counsel General Counsel, PSC Mimi McDonald Jane Prettyman

# BEFORE THE PUBLIC SERVICE COMMISSION STATE OF MISSOURI

DEC 2 0 2004

FILEP

IN THE MATTER OF A REQUEST FOR THE MODIFICATION OF THE KANSAS CITY METROPOLITAN CALLING AREA PLAN TO MAKE THE LEXINGTON EXCHANGE PART OF THE MANDATORY MCA TIER 5

Missouri Public Bervice Commission

)

)

Case No. TO-2005-0142

#### APPLICATION TO INTERVENE

COMES NOW MoKan Dial, Inc. ("MoKan") and hereby moves to intervene in this proceeding. In support of this Application, MoKan states as follows:

1. MoKan provides local, basic local, and exchange access services to customers in the Freeman exchange. The Freeman exchange is located in the Kansas City MCA. MoKan seeks to intervene to monitor this proceeding because the principles adopted could equally apply to MoKan at a future point in time.

2. MoKan is subject to the regulatory supervision of the Missouri Public Service Commission.

3. Copies of all filings in this docket should be directed to MoKan by serving:

Craig S. Johnson Brvan D. Lade Andereck Evans Milne Peace & Johnson, LLC P.O. Box 1438 Jefferson City, MO 65201 (573) 634-3422 (573) 634-7822 fax

4. On November 22, 2004, the Office of Public Counsel ("OPC") filed a request for the mandatory addition of the Lexington exchange to the Kansas City MCA Tier 5. OPC's request for modification also recommended that the Commission issue a notice to all potentially affected carriers and request certain financial information from affected carriers.

5. MoKan is such an affected carrier and therefore should be included as a party in this case. MoKan has an interest different than the general public, specifically, MoKan serves customers in an exchange currently included in the Kansas City MCA.

WHEREFORE, on the basis of the foregoing, MoKan Dial, Inc. respectfully requests that this application to intervene and participate as a party be granted.

Respectfully Submitted,

ANDERECK, EVANS, MILNE PEACE & JOHNSON

By:

Craig S, Johnson, MØ Bar #28179 Bryan D. Lade, MO Bar #55232 Col. Darwin Marmaduke House 700 East Capitol Avenue P.O. Box 1438 Jefferson City, MO 65102 Telephone: 573/634-3422 Facsimile: 573/634-7822 email: <u>CJohnson@aempb.com</u> email: <u>BLade@aempb.com</u>

ATTORNEYS FOR MoKan Dial, Inc.

### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was hand delivered or mailed, U. S. Mail, postage pre-paid, this 20<sup>th</sup> day of December, 2004, to:

Office of the Public Counsel P.O. Box 2230 Jefferson City, MO 65102

General Counsel Missouri Public Service Commission P.O. Box 360 Jefferson City, MO 65102 Mimi B. MacDonald SBC Missouri One Bell Center, Room 3510 St. Louis, Missouri 63101

Kenneth A. Schifman/Brett D. Leopold Sprint Missouri, Inc. 6450 Sprint Parkway KSOPHN0212-2A303 Overland Park, KS 66251

ul.

Attorney for MoKan bial, Inc.