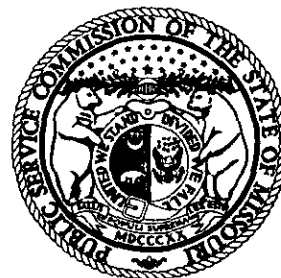


## Notice of *Ex Parte* Contact

TO: Data Center  
All Parties in Case No. TO-2003-0531  
All Commissioners



FROM: Chairman Steve Gaw *sg*

DATE: November 16, 2004

On October 25, 2004, I received a letter from Ken Gebhardt, Mayor of the City of Glasgow, Missouri. I responded to the letter on November 3. At that time I did not realize that the Mayor Gebhardt may be referring to issues that the Commission is currently considering in Case No. TO-2003-0531. The Commission is bound by the same *ex parte* rule as a court of law.

Although communications from the public are always welcome, those communications must be made known to all parties to a contested case so that those parties have the opportunity to respond. According to the Commission's rules (4 CSR 240-4), when a communication (either oral or written) occurs outside the hearing process, any member of the Commission or the Regulatory Law Judge who received the communication shall prepare a written report concerning the communication and submit it to each member of the Commission and the parties to the case. The report shall identify the person(s) who participated in the *ex parte* communication, the substance of the communication and the relationship of the communication to a particular matter at issue before the Commission.

Therefore, this report is submitted pursuant to the rules cited above. This will ensure that any party to this case will have notice of the attached information and a full and fair opportunity to respond to the comments contained therein.

cc: Executive Director  
Secretary/Chief Regulatory Law Judge  
General Counsel



Commissioners

STEVE GAW  
Chair

CONNIE MURRAY

ROBERT M. CLAYTON III

JEFF DAVIS

LINWARD "LIN" APPLING

## Missouri Public Service Commission

POST OFFICE BOX 360  
JEFFERSON CITY MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.psc.mo.gov>

ROBERT J. QUINN, JR.  
Executive Director

WESS A. HENDERSON  
Director, Utility Operations

ROBERT SCHALLENBERG  
Director, Utility Services

DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE  
General Counsel

November 3, 2004

Mr. Ken Gebhardt, Mayor  
City of Glasgow  
100 Market Street  
Glasgow, MO 65254

Dear Mayor Gebhardt:

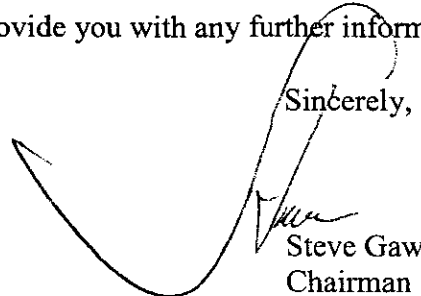
I am in receipt of your letter dated October 19, 2004 referencing the problems your constituents and police department have had with poor cellular phone service. Your letter urges the Public Service Commission to consider Glasgow for a future cellular tower.

The Public Service Commission is granted authority to regulate providers of "telecommunications service" under Chapters 386 and 392 of the Revised Missouri Statutes. Specifically excluded from the definition of "telecommunications service" are radio communications services, including cellular and PCS service. Instead, the Federal Communications Commission (FCC) has historically exercised exclusive jurisdiction over these mobile communications services. In light of the FCC's jurisdiction over mobile providers, I urge you to contact the FCC at 1-888-225-5322.

Your letter also references the fact that Glasgow cell phone users continue to pay into the Universal Service Fund and also express concern as to the disposition of these funds. Although the FCC retains authority over the size and disposition of the federal USF, the Missouri Commission is responsible for certifying a telecommunications provider as an eligible telecommunications carrier thus allowing it to receive USF funds. The Missouri Commission has not designated any cellular provider as an eligible telecommunications carrier and no Missouri cellular provider has received federal USF disbursements to date.

Please let me know if I can provide you with any further information.

Sincerely,



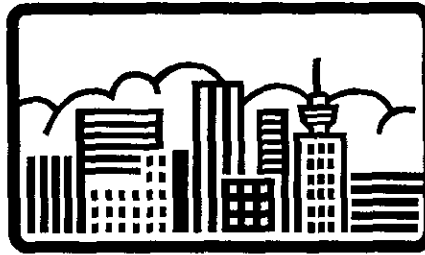
Steve Gaw  
Chairman

SG:ba

*Mayor,  
Please call me if  
you need more  
information  
Thank You  
Steve*

# CITY OF GLASGOW

100 MARKET STREET  
GLASGOW, MO 65254



660-338-2377  
FAX 660-338-5104

[glasgowmo@mcmsys.com](mailto:glasgowmo@mcmsys.com)

October 19, 2004

RECEIVED  
OCT 25 2004

Commissioner Steve Gaw  
Public Information Office  
Governor Building  
200 Madison Street  
P.O. Box 360  
Jefferson City, MO 65102-0360

Dear Commissioner Gaw:

On behalf of the City of Glasgow, I urge you to consider the placement of a cellular tower in / near our rural farming community. As you probably know, Mid-Missouri Cellular currently services many residents in and around the City of Glasgow. However, there are still citizens who are reluctant to purchase a cellular phone because the reception here is of such poor quality.

Over one year ago, our Police Department purchased cell phones from one of your local agents in hopes of being able to use them during emergencies. However, it seems the phones have such poor reception that the Police Department has found they are somewhat useless in many areas of our town. Many area farmers utilize their cell phones on a daily basis to set up deliveries, to make appointments with MFA or Glasgow Equipment, to obtain Police escort services across the Missouri River bridge to move equipment, or to stay in touch with their loved ones while putting in a hard days work. Often times, they find themselves without service and must stop their work in order to find a higher elevation so they can obtain reception. As you can see, not only the citizens of Glasgow, but the Police Department, Fire Department, and all other local residents could benefit from a cellular tower in Glasgow.

Therefore, I strongly urge you to consider Glasgow as a future home for a cellular tower. For many years now, Glasgow cell phone users have had to deal with the poor reception, and yet have continued to pay in to the "Universal Fund". As I understand it, the monies from the Universal Fund are to be utilized for new towers and other improvements. So where is that money being spent? Where are the new towers?

I believe the citizens of Glasgow and the surrounding areas have paid their dues and deserve the best quality of reception possible. I strongly urge you to consider Glasgow as a target site for a new tower.

Kind regards,

A handwritten signature in cursive script that reads "Ken Gebhardt".

Ken Gebhardt, Mayor  
City of Glasgow, Missouri