

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 17th day of October, 2006.

In the Matter of the Application of USCOC of	)	
Greater Missouri, LLC for Designation as an	)	<b><u>Case No. TO-2005-0384</u></b>
Eligible Telecommunications Carrier	)	
Pursuant to the Telecommunications Act of 1996	)	

**ORDER ADOPTING FURTHER PROCEDURAL SCHEDULE**

Issue Date: October 17, 2006

Effective Date: October 17, 2006

USCOC of Greater Missouri, LLC d/b/a U.S. Cellular has applied to the Commission for designation as an Eligible Telecommunications Carrier pursuant to the Telecommunications Act of 1996. The Commission conducted an evidentiary hearing regarding that application on October 26 and 27, 2005. Thereafter, on March 21, 2006, the Commission issued an order finding that U.S. Cellular had not “presented sufficient evidence regarding how it intends to use the support it would receive from the Universal Service Fund to improve its network . . .” Rather than simply rejecting U.S. Cellular’s application, the Commission allowed U.S. Cellular an opportunity to present additional evidence, at a time of its choosing, regarding that issue.

On August 11, U.S. Cellular presented additional evidence in the form of a two-year network improvement plan, supported by the affidavit of one of its employees, Nick Wright. At a prehearing conference held on September 22, the Commission directed the parties to submit a proposed procedural schedule for the consideration of the additional evidence.

The parties were told that they should submit a jointly proposed schedule if they could reach an agreement. If they could not reach agreement, they were instructed to file competing schedules for the Commission's consideration.

The parties were unable to reach agreement, and on October 4, Staff, joined by Public Counsel and all of the intervenors, filed a procedural schedule that calls for the prefiling of additional testimony, and for a hearing on December 18, 19, and 20. U.S. Cellular separately filed a procedural schedule calling for an on-the-record hearing beginning on October 25 and continuing through October 27, if necessary. U.S. Cellular's proposed schedule would not allow for the prefiling of additional testimony, although it would permit the other parties an opportunity to offer "live" testimony at the hearing if they wished to do so. In addition, two of the intervenors, Missouri Small Telephone Company Group and Spectra Communications Group, LLC, d/b/a CenturyTel and CenturyTel of Missouri, LLC, filed pleadings on October 4 that argued against the procedural schedule proposed by U.S. Cellular.

U.S. Cellular is understandably concerned that every day of delay until the Commission decides whether to grant its application for ETC status potentially costs the company a substantial amount of money in universal service funding. That concern does not, however, justify the establishment of a severely constrained procedural schedule that would unfairly limit the opportunity of the other parties to present their cases. The procedural schedule offered by Staff is, however, longer than necessary. Instead, the Commission will adopt a procedural schedule leading to a hearing in mid-November, which will allow the Commission to issue a decision before the end of the year.

**IT IS ORDERED THAT:**

1. The following procedural schedule is established:

<b>Rebuttal Testimony by Staff Public Counsel, and Intervenors</b>	-	<b>October 31, 2006</b>
<b>Issues List, Order of Witnesses, and Order of Cross</b>	-	<b>November 9, 2006</b>
<b>Surrebuttal Testimony</b>	-	<b>November 14, 2006</b>
<b>Statements of Position</b>	-	<b>November 14, 2006</b>
<b>Hearing</b>	-	<b>November 20 &amp; 21, 2006, beginning at 8:30 a.m.</b>

2. The hearing will be held in the offices of the Missouri Public Service Commission in Jefferson City, Missouri. This hearing will be held in a building that meets accessibility standards required by the Americans with Disabilities Act. If you need additional accommodations to participate in this hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 before the hearing.

3. This order shall become effective on October 17, 2006.

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

( S E A L )

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

Woodruff, Deputy Chief Regulatory Law Judge,