

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the Matter of the Application	)	
of USCOC of Greater Missouri,	)	
LLC for Designation as an	)	
Telecommunications Carrier Eligible	)	Case No. TO-2005-0384
for Federal Universal Service Support	)	
Pursuant to the Telecommunications	)	
Act of 1996.	)	

AMENDED APPLICATION TO INTERVENE

Come now BPS Telephone Company, Choctaw Telephone Company, Craw-Kan Telephone Cooperative, Inc., Ellington Telephone Company, Farber Telephone Company, Fidelity Telephone Company, Goodman Telephone Company, Granby Telephone Company, Grand River Mutual Telephone Corporation, Holway Telephone Company, IAMO Telephone Corporation, Kingdom Telephone Company, Le-Ru Telephone Company, Mark Twain Rural Telephone Company, Mid-Missouri Telephone Company, Miller Telephone Company, New Florence Telephone Company, New London Telephone Company, Northeast Missouri Rural Telephone Company, Orchard Farm Telephone Company, Peace Valley Telephone Company, Inc., Seneca Telephone Company, Steelville Telephone Exchange, Inc. and Stoutland Telephone Company (collectively "The Small Telephone Company Group," "STCG" or "Applicants") and in support of their Application to Intervene in the above-captioned matter state that:

1. The STCG member companies currently provide telecommunications services to members of the public located in the areas certificated to them by the Missouri Public Service Commission ("Commission"). As is relevant to this case, the STCG Companies provide

"basic local telecommunications services" within one or more Missouri exchanges as defined by their tariffs on file with and approved by the Commission. Applicants are "telecommunications companies" and "public utilities" as those terms are defined by § 386.020 RSMo 2000, and are, therefore, subject to the jurisdiction, regulation and control of the Commission as provided by law. The STCG Companies are also rural telephone companies and incumbent local exchange carriers as defined by the Federal Telecommunications Act of 1996 (the "Act"). Applicants have also been designated by the Commission as eligible telecommunications carriers ("ETCs") for purposes of receiving Federal Universal Service Fund monies.

2. All correspondence, communications, orders and decisions in this matter should be addressed to the following:

W. R. England, III  
Sondra B. Morgan  
Brian T. McCartney  
Brydon, Swearngen & England P.C.  
P.O. Box 456  
Jefferson City, Missouri 65102  
(573) 635-7166  
(573) 634-7431 (fax)  
[trip@brydonlaw.com](mailto:trip@brydonlaw.com) (email)  
[smorgan@brydonlaw.com](mailto:smorgan@brydonlaw.com) (email)  
[bmccartney@brydonlaw.com](mailto:bmccartney@brydonlaw.com) (email)

3. On April 22, 2005, USCOC of Greater Missouri, LLC d/b/a U.S. Cellular ("USCOC") filed an Application requesting designation as an eligible telecommunications carrier pursuant to Section 254 of the Telecommunications Act of 1996. USCOC is a telecommunications carrier authorized by the Federal Communications Commission ("FCC") to provide commercial mobile radio services ("CMRS") in Missouri. USCOC is not certificated

by the Missouri Commission to provide basic local telecommunications services, and the services it provides do not fall within the definition of "telecommunications service" as that term is defined in § 386.020(53)(c), RSMo 2000.

4. USCOC requests ETC designation for its entire FCC-licensed service area subject to certain limitations set out in the Application. USCOC seeks ETC designation in all or part of the service areas of Applicants.

5. On April 26, 2005, the Commission issued an Order Directing Notice in this proceeding setting May 16, 2005, as the deadline for parties wishing to intervene.

6. Applicants file this Application to Intervene in the instant proceeding on the grounds that the grant of eligible telecommunications carrier designation to USCOC as a CMRS provider not regulated by the Missouri Commission will affect Applicants' ability to provide telecommunications services in their certificated exchanges. The Commission may only designate an additional carrier as an ETC in an area served by a rural telephone company if that designation is consistent with the public interest, convenience and necessity and upon an express finding that the designation is in the public interest. Granting ETC status to USCOC and allowing it to collect Universal Service Fund ("USF") funds is not in the public interest as granting ETC status to USCOC will not bring benefits to the community that the community does not already have. In addition, the grant of ETC designation to USCOC will not increase competition in the requested service areas as those areas are already served by local exchange companies and wireless providers. Granting ETC status to an additional carrier will also have an adverse effect on the USF fund itself and will increase the amount that consumers will be assessed. Therefore, Applicants seek intervention in this case in order to protect their interests

in providing basic local exchange service to the customers located within their respective service areas. Applicants oppose the application.

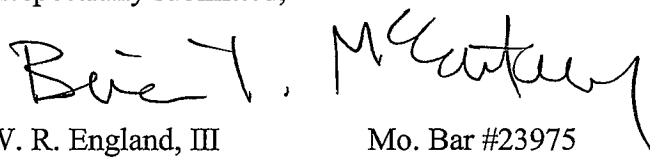
7. Applicants thus have interests that are different from those of the general public and their interests may be adversely affected by the final order arising from this case.

Furthermore, their intervention and participation will serve the public interest.

8. Applicants do not have any pending action or final unsatisfied judgments or decisions against them from any state or federal agency or court which involves customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of the application. Neither do Applicants have any annual report or assessment fees that are overdue.

WHEREFORE, the STCG respectfully requests that the Commission issue an order authorizing it to intervene in the above-captioned proceeding and for such other orders as are reasonable in the circumstances.

Respectfully submitted,



W. R. England, III                      Mo. Bar #23975  
Sondra B. Morgan                      Mo. Bar #35482  
Brian T. McCartney                      Mo. Bar #47788  
BRYDON, SWEARENGEN & ENGLAND P.C.  
P.O. Box 456  
Jefferson City, Missouri 65102  
(573) 635-7166  
(573) 635-0427 (Fax)  
[trip@brydonlaw.com](mailto:trip@brydonlaw.com) (email)  
[smorgan@brydonlaw.com](mailto:smorgan@brydonlaw.com) (email)  
[bmcartney@brydonlaw.com](mailto:bmcartney@brydonlaw.com) (email)  
Attorneys for Applicants

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was hand-delivered or mailed, United States Mail, postage prepaid, this 26th day of May, 2005 to:

Office of Public Counsel  
P. O. Box 7800  
Jefferson City, MO 65102

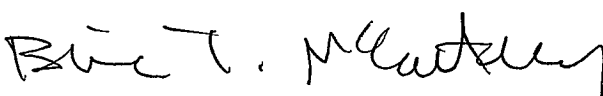
Dan Joyce/Marc Poston  
General Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

Karl Zobrist  
Sonnenschein Nath & Rosenthal, LLP  
4520 Main Street, Suite 1100  
Kansas City, MO 64114

Anne E. Bos  
Blackwell Sanders Peper Martin LLP  
4801 Main Street, Suite 1000  
Kansas City, MO 64112

David LaFuria  
Steven M. Chernoff  
Lukas Nace Gutierrez & Sachs CHTD  
1650 Tysons Blvd.  
McLean, VA 22102

C. Brent Stewart  
Stewart & Keevil L.L.C.  
4603 John Garry Drive, Suite 11  
Columbia, MO 65203

  
\_\_\_\_\_  
Brian T. McCartney