

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Application of Time Warner)
Cable Information Services (Missouri), LLC, for a)
Certificate of Service Authority to Provide Local and) **Case No. LA-2004-0133**
Interexchange Voice Service in Portions of the State)
of Missouri and to Classify Said Services as)
Competitive.)

**MOTION TO CORRECT ORDER GRANTING CERTIFICATE TO
PROVIDE BASIC LOCAL, LOCAL EXCHANGE AND INTEREXCHANGE
TELECOMMUNICATIONS SERVICES
NUNC PRO TUNC**

COMES NOW Time Warner Cable Information Services (Missouri), LLC (“TWCIS”) and, for its Motion to Correct Order Granting Certificate to Provide Basic Local, Local Exchange and Interexchange Telecommunications Services Nunc Pro Tunc, states as follows:

1. By an Amended Application submitted on February 13, 2004, TWCIS sought authority to provide, basic local, local exchange and interexchange telecommunications services. Also, on February 13, 2004, TWCIS filed a Stipulation and Agreement showing that all parties to this proceeding either support or do not oppose the Amended Application. Thereafter, on February 23, 2004, the Staff of the Missouri Public Service Commission filed its Memorandum. Staff recommended that TWCIS be granted a certificate to provide basic local, local exchange and interexchange voice services. Staff also recommended that competitive classification and waivers be granted to TWCIS. On March 2, 2004, the Commission issued its Order Granting Certificate to Provide Basic Local, Local Exchange

and Interexchange Telecommunications Services and Order Granting Motion to Amend Application. The Order bears an effective date of March 12, 2004.

2. Ordered provision Nos. 1 and 3 grant TWCIS certification to provide basic local and interexchange services, respectively.

3. Ordered provision No. 2 grants TWCIS a certificate to provide “non-switched local exchange telecommunications service restricted to dedicated private line services” (emphasis added). The authority granted in this Order provision is not consistent with the authority requested in the Amended Application, the Stipulation and Agreement or the Staff Recommendation. Further, it is not consistent with the type of services TWCIS intends to provide. TWCIS suggests that the limitations imposed by Ordered provision No. 2 were unintentional and erroneous and should be corrected.

4. The Order at pp. 11 and 12 further references an entity known as “Western Communications, Inc.” or “Western” in imposing conditions on the grant of authority. The referenced entity was not a party to this proceeding and TWCIS suggests that the references are erroneous. It appears from the context of the Order that the Commission’s intent was to reference TWCIS.

5. Pursuant to 4 CSR 240-2.160(4), the Commission may correct its own orders *nunc pro tunc*. TWCIS suggests that it is appropriate to correct the foregoing erroneous provisions of the Commission’s March 2, 2004 Order relating back to the date of issuance.

WHEREFORE, TWCIS respectfully requests that the Commission grant the foregoing Motion and clarify that TWCIS was granted certification to provide basic local, local exchange and interexchange service and that the references to “Western” and “Western Communications, Inc.” were intended as references to TWCIS.

Respectfully submitted,

LATHROP & GAGE, L.C.

/s/ Paul S. DeFord

Paul S. DeFord Mo. #29509

Suite 2800

2345 Grand Boulevard

Kansas City, MO 64108-2612

Telephone: (816) 292-2000

Facsimile: (816) 292-2001

*Attorneys for Time Warner Cable
Information Services (Missouri), LLC*

Dated: April 29, 2004

CERTIFICATE OF SERVICE

I hereby certify that a correct copy of the foregoing pleading was sent via U.S. Mail or electronic transmittal on this 29th day of April, 2004, to:

Dana K. Joyce, Esq.
Office of General Counsel
Missouri Public Service Commission
PO Box 360
Jefferson City, MO 65102-0360

John B. Coffman, Esq.
Office of Public Counsel
Missouri Public Service Commission
PO Box 2230
Jefferson City, MO 65102-2230

Craig S. Johnson, Esq.
Bryan D. Lade, Esq.
Andereck, Evans, Milne, Peace & Johnson
Col. Darwin Marmaduke House
PO Box 1438
Jefferson City, MO 65102
Attorneys for Missouri Independent Telephone Group

W.R. England, III, Esq.
Brian T. McCartney, Esq.
Brydon, Swearngen & England, PC
PO Box 456
Jefferson City, MO 65102-0456
Attorneys for the Small Telephone Companies Group

Sheldon K. Stock, Esq.
Jason L. Ross, Esq.
Greensfelder, Hemker & Gale, PC
Suite 2000
10 South Broadway
St. Louis, MO 63102-1774
***Attorneys for Fidelity Communications Services I, Inc.,
Fidelity Communications Services II, Inc.,
Fidelity Communications Services III, Inc., and
Fidelity Cablevision, Inc.***

James M. Fischer, Esq.
Larry Dority, Esq.
Fischer & Dority, PC
Suite 400
101 Madison Avenue
Jefferson City, MO 65101
***Attorneys for Spectra Communications Group, LLC d/b/a CenturyTel
and CenturyTel of Missouri, LLC; and ALLTEL Missouri, Inc.***

Rebecca B. DeCook, Esq.
Suite 1575
1875 Lawrence Street
Denver, CO 80202

J. Steve Weber, Esq.
Suite 216
101 West McCarty
Jefferson City, MO 65101
Attorneys for AT&T Communications of the Southwest, Inc.

Paul G. Lane, Esq.
Leo J. Bub, Esq.
Robert J. Gryzmala, Esq.
Mimi B. MacDonald, Esq.
SBC
Room 3518
One SBC Center
St. Louis, MO 63101
Attorneys for Southwestern Bell Telephone, L.P.

Lisa Creighton Hendricks, Esq.
Sprint
Mail Stop: KSOPHN0212-2A253
Building 14, 6450 Sprint Parkway
Overland Park, KS 66251
***Attorneys for Sprint Missouri, Inc. and
Sprint Communications Company, LP***

William D. Steinmeier, PC
2031 Tower Drive
Jefferson City, MO 65109
Attorneys for Xspedius Communications

/s/ Paul S. DeFord
Attorney for Applicant