

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

Staff of the Public Service Commission of the
State of Missouri,

Complainant,

v.

Comcast IP Phone, LLC

)
)
)
) **Case No. TC-2007-0111**
)
)
)

**PETITION FOR LEAVE TO FILE *AMICUS* COMMENTS
IN OPPOSITION OF DISMISSAL**

COMES NOW the Small Telephone Company Group,¹ pursuant to Commission Rule 4 CSR 240-2.075(6) and for its Petition for leave to file amicus comments in opposition to Comcast's motion for dismissal, states to the Missouri Public Service Commission (Commission or PSC) as follows:

1. The STCG member companies are all small incumbent local exchange telephone companies (ILECs) as defined by Missouri law and provide telecommunications service in the rural areas of the state of Missouri under the regulation of the Commission. The members of the STCG are also rural telephone companies as defined by the Telecommunications Act of 1996 ("the Act")² and the Federal Communications Commission (FCC). The STCG companies provide basic local exchange service to subscribers within one or more Commission-defined exchanges in the state of Missouri. The STCG companies 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.

¹ See Attachment A.

² 47 U.S.C. §153(37).

The STCG companies are also "small incumbent local exchange carrier" as defined by §386.020(30) RSMo.

2. The issues raised by this case are important to the public and the telecommunications industry in Missouri and nationwide. These issues are presently being examined by the Federal Communications Commission (FCC). Also, members of STCG are currently litigating similar issues before the Cole County Circuit Court in Case No. 06AC-CC00935 involving the Missouri PSC and Time Warner Cable's VoIP voice service offering.

3. Accordingly, the STCG member companies have a vital interest in the subject matter of this proceeding and are so situated that the disposition of this action may, as a practical matter, impair or impede their ability to protect their interests. In addition, the STCG has a unique history and perspective on this matter. Therefore, it is in the public interest to allow the STCG to file the attached *amicus* comments.

WHEREFORE, the STCG respectfully requests that the Commission grant leave for the STCG to file the *Amicus Curiae* Comments that are being submitted simultaneously to Respondent Comcast's motion to dismiss.

Respectfully submitted,

/s/ Brian T. McCartney

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Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was mailed, served electronically, or hand-delivered, this 13th day of November, 2006, to:

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ATTACHMENT A

BPS Telephone Company
Citizens Telephone Company
Craw-Kan Telephone
Ellington Telephone
Goodman Telephone Company
Grand River Mutual Telephone Corporation
Green Hills Telephone Corporation
Kingdom Telephone Company
Lathrop Telephone Company
LeRu Telephone Company
Mark Twain Rural Telephone Company
McDonald County Telephone Company
Miller Telephone Company
New London Telephone Company
Orchard Farm Telephone Company
Oregon Farmers Mutual Telephone Company
Ozark Telephone Company
Peace Valley Telephone Company, Inc.
Seneca Telephone Company
Stoutland Telephone Company