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March 7, 2003

FILED<sup>3</sup>

MAR 07 2003

Missouri Public  
Service Commission

Secretary of PSC  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

Re: Case No. TO-2003-288

Dear Secretary:

Enclosed please find an original and five (5) copies of Alma Communications Company, d/b/a Alma Telephone Company's Application to Intervene in the above-referenced matter.

Thank you for seeing this filed.

Sincerely,



Lisa Cole Chase

LCCC:tr

Enc.

cc: Denise Day  
Michael Dandino  
Dan Joyce  
Paul DeFord

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**FILED<sup>3</sup>**

**MAR 07 2003**

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

**Missouri Public  
Service Commission**

In the Matter of the Application of )  
Missouri RSA No. 7 Limited Partnership )  
d/b/a Mid-Missouri Cellular for )  
Designation as a Telecommunications ) **Case No. TO-2003-0288**  
Company Carrier Eligible for Federal )  
Universal Service Support Pursuant to )  
Section 254 of the Telecommunications )  
Act of 1996 )

**APPLICATION TO INTERVENE**

**COMES NOW** the Alma Communications Company d/b/a Alma Telephone Company ("Alma") pursuant to 4 CSR 240-2.075 and Commission's February 18, 2003 Order Directing Notice, and in support of its Application to Intervene in opposition to Applicant's Application in the above-captioned matter states that:

1. Alma is a telecommunications company that provides basic local telecommunications services to members of the public located in the area certificated to it by the Missouri Public Service Commission ("Commission"). Alma is a rural telephone company and incumbent local exchange carrier as defined by the Federal Telecommunications Act of 1996 (the "Act"). A rural exemption is in effect for Alma in this area. Alma has been designated by the Commission as an eligible telecommunications carrier ("ETC") for purposes of receiving Federal Universal Service Funds. The Commission is not obligated to designate multiple ETCs in Alma's rural serving area.

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

Craig S. Johnson  
Lisa Cole Chase  
Andereck, Evans, Milne, Peace & Johnson, L.L.C.

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3. Missouri RSA No. 7 Limited Partnership d/b/a Mid-Missouri Cellular ("MMC") filed on February 13, 2003 an Application requesting designation as an eligible telecommunications carrier pursuant to the provisions of 47 USC §214(e) and 47 CFR § 54.201(d) to receive Federal Universal Service Support. MMC is a telecommunications carrier authorized by the Federal Communications Commission (the "FCC") to provide commercial mobile radio services ("CMRS") in Missouri. MMC 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 defined in section 386.020(53)(c) RSMo 2000.

4. MMC seeks ETC status in the service area of Alma Telephone Company. Alma is classified as a Rural Telephone Company under the Telecommunications Act of 1996. As such, before the Commission may grant ETC status to MMC, the Commission is required to find that MMC offers all of the services that are supported by the federal universal service support mechanisms under 47 USC §254(b) using its own facilities or a combination of its own facilities and resale of another carriers services pursuant to 47 USC § 214(e)(1), that MMC advertises the availability of such services and the charges therefore using media of general distribution pursuant to 47 USC § 214(e)(1), and that the designation is in the public interest pursuant to 47 USC § 214(e)(2), and 47 CFR § 54.201(c).

5. Alma files this Application to Intervene in this matter on the grounds that the grant of eligible telecommunications carrier designation to MMC as a CMRS provider not

regulated by the Missouri Commission is not in the public interest as it may affect Alma's ability to provide telecommunications services in its certificated exchange. Alma seeks intervention in this matter in order to protect its interests in providing basic local service to the customers located within its service area, and to avoid undue adverse economic impacts to the customers of Alma or to Alma itself. MMC has the affirmative obligation as a carrier requesting ETC status to prove that it offers each service supported by the federal universal service support mechanism under 47 USC §254(b) using its own facilities or a combination of its own facilities and resale of another carriers services. Alma does not believe that MMC can demonstrate that it currently meets the criteria set forth under this provision. Alma also has an interest in the precedent set forth for setting the procedures to ensure wireless companies seeking ETC status, such as MMC, meet Federal and State qualifications.

6. In addition, Alma does not believe granting ETC status to MMC is in the public interest. Alma is a small rural incumbent local exchange company receiving Federal Universal Service Support in its single exchange. An ETC designation in the Alma territory currently would enable both the ILEC and the ETC to receive Universal Service Funds from the FCC, however, due to the FCC's concerns regarding the 'excessive growth' of the fund, the FCC has recently issued an Order requiring the Federal-State Joint Board to look into the portability of such support and the method under which such support is calculated and issued amongst competing carriers. The FCC has made the universal service fund the 'explicit' funding source for rural carriers high costs of providing services, thus the 'portability' issue is critical to Alma, as well as to customers served by rural high cost companies such as Alma. Granting ETC requests, such as that of MMC here, prior to resolution of these issues, may adversely impact the fund's ability to continue to sustain service in high cost areas, may adversely impact Alma's

support from the fund, or once again result in an increase in end user line charges to fund the fund, neither of which are in the public interest.

7. Under 47 CFR § 54.201(c), "Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the state commission shall find that the designation is in the public interest." The grant of ETC status to MMC is not in the public interest; it will adversely impact the USF fund and increase the amount assessed on consumers. Such a grant will not provide customers in the requested service area benefits that the customers do not already have. Furthermore, the grant of ETC status to MMC will not increase competition in the requested service area as that area is already served by at least three local exchange companies and up to as many as five wireless providers.

8. MMC's request for designation as an ETC in the service area of Alma makes the interest of Alma in MMC's Application different from that of the general public. Intervention and participation by Alma will serve the public interest.

9. Alma does not have any pending action or final unsatisfied judgment or decision against it from any state or federal agency or court which involves customer service or rates, which action, judgment or decision has occurred within three years of the date of the application.

8. Alma does not have any annual report or assessment fees that are overdue.

WHEREFORE, on the basis of the foregoing, Alma Telephone Company respectfully requests that the Commission issue an order permitting Alma to intervene in the above-captioned matter and for such other orders as are reasonable in the circumstances.

**ANDERECK, EVANS, MILNE,  
PEACE & JOHNSON, L.L.C.**

By *Lisa Chase*  
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**ATTORNEYS FOR MITG COMPANIES**

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and accurate copy of the foregoing was mailed, U.S. Mail, postage pre-paid, this 7<sup>th</sup> day of March, 2003, to:

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Office of Public Counsel  
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Jefferson City, MO 65102

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Missouri Public Service Commission  
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*Lisa Chase*  
Lisa Cole Chase