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West Palm Beach*

April 23, 2004

Via Federal Express

Mr. Dale Hardy Roberts
Executive Secretary
MISSOURI PUBLIC SERVICE COMMISSION
200 Madison Street, Suite 100
Jefferson City, Missouri 65102-0360

RE: Case No. TO-2004-0401

FILED³

APR 26 2004

**Missouri Public
Service Commission**

Dear Mr. Roberts:

Please find enclosed for filing the original and nine copies of the Petition to Intervene Out of Time by WWC License L.L.C. in the above-referenced case.

By copy of this letter, the Petition to Intervene has been served on all parties of record via First-Class U.S. mail on this date.

Thank you for your attention to this matter. Please give me a call if you have any questions.

Very truly yours,


Mark P. Johnson

MPJ/rgr
Enclosures
cc: All Parties of Record (w/enclosure)

APR 26 2004

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURIMissouri Public
Service Commission

| | | |
|---------------------------------------|---|-----------------------|
| In the Matter of the Petition of KLM |) | |
| Telephone Company for Suspension and |) | Case No. TO-2004-0401 |
| Modification of the FCC's Requirement |) | |
| to Implement Number Portability. |) | |

PETITION TO INTERVENE OUT OF TIME
BY WWC LICENSE L.L.C.

Comes now WWC License L.L.C., a/k/a Western Wireless ("Western") doing business as Cellular One, and hereby petitions to intervene in the above-captioned docket pursuant to 4 CSR 240-2.075. Western also seeks Commission approval to intervene out of time, pursuant to 4 CSR 240-2.075(5). In support of its request, Western states:

1. Western is a Commercial Mobile Radio Service ("CMRS") provider that provides cellular telephone service in Rural Service Area 512, consisting of Cedar, St. Clair, Vernon, Henry, and Bates Counties, Missouri. The petitioner is a local exchange carrier which provides service in exchanges which lie in Western's Missouri service area. The petitioner's certificate of good standing and fictitious name registration are attached hereto as Exhibits A and B.

2. Please direct all correspondence, filings, pleadings, and orders in this docket to the following:

Mark P. Johnson
Trina R. LeRiche
Sonnenschein Nath & Rosenthal LLP
4520 Main Street, Suite 1100
Kansas City, MO 64111
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mjohnson@sonnenschein.com
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3. Rural consumers are increasingly choosing wireless service for their telecommunications needs and may choose to port their wireline number to Western upon the implementation of local number portability ("LNP") as mandated by the Federal Communications Commission.

4. On February 17, 2004, Cass County Telephone Company, the applicant herein, petitioned the Commission for suspension and modification of the FCC's Local Number Portability (LNP) requirements. The application to intervene is filed more than thirty days after the first Commission Order issued in this matter, so as required by 4 CSR 240-2.075(5), Western requests that the Commission grant late intervention for good cause. The Commission has set this case for an on-the-record presentation on May 5, 2003.

5. Western has sent Bona Fide Requests ("BFRs") to implement LNP by May 24, 2004 to many of the rural local exchange carriers in Missouri, including the petitioner. Western has an interest in porting with all local exchange carriers ("LECs") in Missouri and would be harmed by any suspension – interim or long term – of the Missouri LECs' LNP obligations.

6. Western will be directly and substantially affected by the issues raised in this docket and is entitled to intervene under 4 CSR 240-2.075(2). Western opposes the relief sought by the applicant.

7. Moreover, the petition raises factual and legal issues concerning the propriety of LNP portability suspension. Western submits that LNP in Missouri is feasible and appropriate and no suspension of LNP should be allowed.

8. Implementation of LNP is directly intended to serve the important public interests of improved choice and competition for consumers. To suspend the obligations to deploy local

number portability as requested by the petitioner would not be consistent with the public interest, convenience and necessity.

9. Western seeks Commission approval to intervene beyond the thirty-day period in which intervention is customarily required. In support of this request, Western states that it only recently became aware of the multiple filings by Missouri LECs for modification of the FCC's LNP rules, and that no other wireless carrier has intervened to date. In light of the recently-announced presentation on May 5, Western believes that the Commission would benefit from an expression of position by at least one wireless carrier. KLM should not be heard to argue that the public interest would not be served by a comprehensive presentation of industry positions on this crucial issue.

10. Western requests the right to express its position before the Commission at the May 5 presentation. Western believes that the Commission should hear the position of a wireless carrier which would be directly and adversely affected if the Commission were to grant relief to the petitioner.

11. The petitioner has no pending action or final unsatisfied judgment or decision against it from any state or federal agency which involve customer service or rates, which occurred within three years of this application. The petitioner has no overdue annual report or assessment fee.

WHEREFORE, Western Wireless respectfully requests:

1. That its Motion to Intervene be granted;
2. That the Commission allow Western to participate in the May 5 presentation; and
3. That the Commission deny the relief sought by the petitioner.

Respectfully submitted,

SONNENSCHN NATH & ROSENTHAL LLP

By: 

Mark P. Johnson MO Bar #30740

Trina R. LeRiche MO Bar #46080

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Kansas City, Missouri 64111

Phone: 816.460.2400

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Email: mjohnson@sonnenschein.com

Tleriche@sonnenschein.com

ATTORNEYS FOR WWC LICENSE L.L.C.

STATE OF MISSOURI)
)
COUNTY OF JACKSON) ss.

VERIFICATION

Comes now Mark P. Johnson, being of lawful age and duly sworn, who affirms as follows:

1. My name is Mark P. Johnson, and I am the attorney for WWC License L.L.C. I affirm that I have been authorized by WWC License L.L.C. to verify this Application on its behalf.

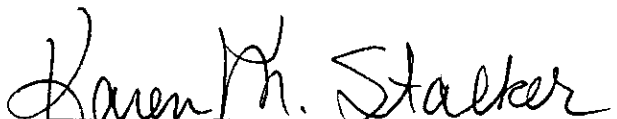
2. I have reviewed the foregoing Application, and it is true and correct to the best of my knowledge and belief.

Further affiant sayeth not.



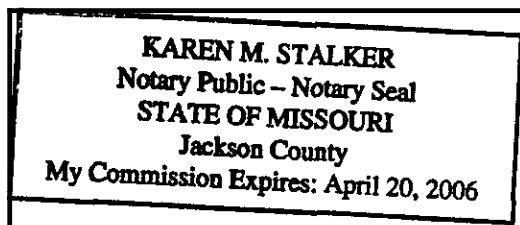
Mark P. Johnson

Subscribed and sworn to before me this 23rd day of April, 2004.



Notary Public

My commission expires:



CERTIFICATE OF SERVICE

I hereby certify that a true and final copy of the foregoing was served by First-Class U.S. mail, postage prepaid, this 23rd day of April, 2004, on the following:

Dana Joyce
General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

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

W. R. England, III
Brian T. McCartney
Brydon, Swearengen & England P.C.
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102-456



Attorney for WWC License L.L.C.



Matt Blunt
Secretary of State

CORPORATION DIVISION
CERTIFICATE OF GOOD STANDING

MATT BLUNT, Secretary of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

WWC LICENSE LLC

ing in Missouri the name

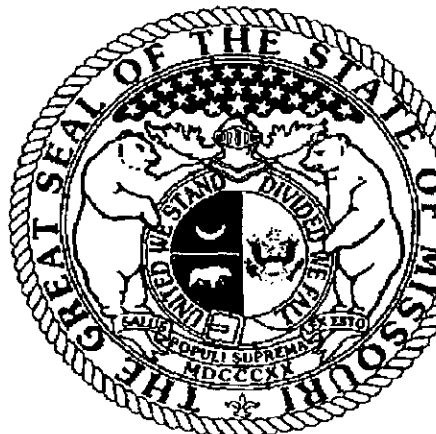
WWC LICENSE LLC
FL0035756

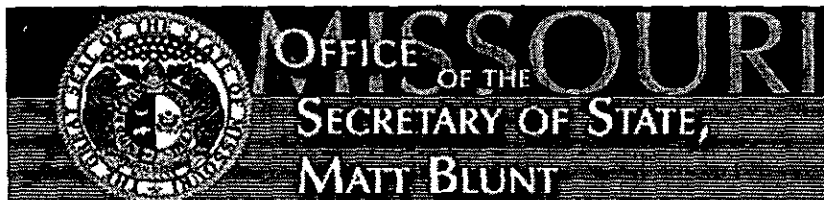
DELAWARE entity was created under the laws of this State on the 28th day of January, 2000, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 23rd day of April, 2004

Matt Blunt

Secretary of State





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- Register for Online
Orders
- Order Good Standing

Filed Documents

Date: 4/23/2004 (Click above to view filed documents that are available.)

Business Name History

| Name | Name Type |
|--------------|-----------|
| CELLULAR ONE | Legal |

Fictitious Registration - Domestic - Information

| | |
|-----------------------|-----------|
| Charter Number: | X00375857 |
| Status: | Active |
| Entity Creation Date: | 7/12/2000 |

Owners

| | |
|----------|--|
| Name: | FL35756 WWC LICENSE LLC |
| Address: | 3650 131ST AVE SE, STE. 400 BELLEVUE WA 98006 |

Office of the Secretary of State, Missouri - Matt Blunt

State Capitol, Room 208 and State Information Center, 600 W. Main
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