

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

ATTORNEYS AT LAW

700 EAST CAPITOL AVENUE

COL. DARWIN MARMADUKE HOUSE

P.O. BOX 1438

JEFFERSON CITY, MISSOURI 65102-1438

TELEPHONE 573-634-3422

FAX 573-634-7822

EUGENE E. ANDERECK

TERRY M. EVANS

ERWIN L. MILNE

JACK PEACE

CRAIG S. JOHNSON

RODRIC A. WIDGER

GEORGE M. JOHNSON

BEVERLY J. FIGG

WILLIAM S. LEWIS

VICTOR S. SCOTT

COREY K. HERRON

LANETTE R. GOOCH

SHAWN BATTAGLER

ROB TROWBRIDGE

JOSEPH M. PAGE

LISA C. CHASE

JUDITH E. KOEHLER

ANDREW J. SPORLEDER

KELLIE R. NILGES

NICOLE D. LINDSEY

OF COUNSEL

MARVIN J. SHARP

PATRICK A. BAUMHOER

GREGORY C. STOCKARD (1904-1993)

PHIL HAUCK (1924-1991)

April 30, 2003

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

FILED³

APR 30 2003

Missouri Public
Service Commission

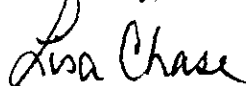
Re: Case No. TO-2003-288

Dear Secretary:

Enclosed please find an original and five (5) copies of Alma Telephone Company's Motion for Reconsideration and/or Rehearing.

Thank you for seeing this filed.

Sincerely,



Lisa Cole Chase

LCC:tr

Enc.

cc: Denise Day
Michael Dandino
Marc Poston
Paul DeFord
William R. England, III
James Fisher/Larry Dority
Sondra Morgan

Trenton Office
9th And Washington
Trenton, Missouri 64683
660-359-2244
Fax 660-359-2116

Springfield Office
1111 S. Glenstone
P.O. Box 4929
Springfield, Missouri 65808
417-864-6401
Fax 417-864-4967

Princeton Office
207 North Washington
Princeton, Missouri 64673
660-748-2244
Fax 660-748-4405

Smithville Office
119 E. Main Street
P.O. Box. 654
Smithville, Missouri 64089
816-532-3895
Fax 816-532-3899

BEFORE THE
PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

FILED³

APR 30 2003

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

Missouri Public
Service Commission

Case No. TO-2003-0288

MOTION FOR RECONSIDERATION AND/OR REHEARING

COMES NOW the Alma Communications Company d/b/a Alma Telephone Company ("Alma") pursuant to 4 CSR 240-2.160 following the Missouri Public Service Commission's ("Commission") April 22, 2003 Order, Notice of Dismissal and Closing of Case, and in support of its Motion for Reconsideration and/or Rehearing in the above-captioned matter states that:

1. The Order does not grant the relief requested by Petitioners in their Response to Motion to Dismiss filed on March 31, 2003. Petitioners did not ask to be voluntarily dismissed. Petitioners consented to a finding by the Commission of a lack of jurisdiction. Petitioners stated that they were not opposed to Staff's Motion to Dismiss which recommended the Commission dismiss Petitioner's Application based on a finding that the Commission lacked jurisdiction. The Notice of Dismissal and Closing of Case is based on Commission Rule 4 CSR 240-2.116 permitting the voluntary dismissal of a case.

2. The Commission did not consider the jurisdictional issue raised in Staff's Motion to Dismiss. Without an "affirmative statement" by the Commission that it lacks jurisdiction to consider Petitioner's Application, Petitioner may not go to the FCC to seek status as an eligible telecommunications carrier ("ETC"). (*Memorandum Opinion and Order*, CC Docket 96-45, para.4, fn.14 (rel. 01-25-2002), citing *Twelfth Report and Order* at 12264, para 113)) Without an

“affirmative statement” by the Commission with respect to jurisdiction, Petitioners are essentially put into a box that would preclude consideration of their request for ETC status by the Commission or the FCC.

3. The Order dismissing and closing this case was an order issued by delegation on procedural grounds. The Order did not address the substantive issue of jurisdiction as recommended by Staff in its Motion to Dismiss. Pursuant to Section 386.240, all Orders addressing substantive issues must be expressly authorized or approved by the Commission, not simply issued by delegation.

4. Alma herein requests the Commission to reconsider and rehear this case in order to address the jurisdictional issue, accept jurisdiction, and ultimately address the proposed Application for ETC status. Alma would direct the Commission’s attention to the Responses in Opposition to Staff’s Motion to Dismiss that have been previously filed by Alma, Citizens, and Spectra d/b/a CenturyTel setting forth the basis for the Commission to exercise jurisdiction in this matter. On April 1, 2003, the Office of Public Counsel (“OPC”) filed its concurrence in the response of Spectra & CenturyTel, and filed its Motion to Correct Erroneous Statement of Position in Order on April 4, 2003. Alma would further direct the Commissions attention to the concerns expressed by these Intervenor in their prior filings with respect to the establishment of any practice to “pick and choose” when to exercise the jurisdiction that has been granted to the Commission under the 1996 Act.

5. Alma concurs in the recommendation made by Citizens in their “Reply to Staff Response to Pleading Opposing the Staff’s Motion to Dismiss” which was to provide the parties with a chance to fully argue and brief the issue of jurisdiction. (para. 4.)

WHEREFORE, Alma respectfully requests that the Commission reconsider and/or rehear the Notice of Dismissal and Closing of Case to address Staff's Motion to Dismiss on the substantive basis of jurisdiction, rather than grant dismissal on procedural grounds that were not requested by Petitioner.

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

By *Lisa Chase*
Craig S. Johnson MO Bar No. 28179
Lisa Cole Chase MO Bar No. 51502
700 East Capitol Avenue
The Col. Darwin Marmaduke House
Post Office Box 1438
Jefferson City, Missouri 65102
Telephone: (573) 634-3422
Facsimile: (573) 634-7822

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 30th day of April, 2003, to:

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

Marc Poston
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Paul DeFord
Lathrop & Gage, L.C.
2345 Grand Boulevard, Suite 2800
Kansas City, MO 64108-2684

Sondra Morgan
Brydon, Swearingen & England
P. O. Box 456
Jefferson City, MO 65102

Larry Dority
Fischer & Dority
101 Madison Street, Suite 400
Jefferson City, MO 6510

Lisa Chase
Lisa Cole Chase