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April 30, 2003

Dale Hardy Roberts  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

**FILED<sup>3</sup>**  
APR 30 2003

**Re: Case No. TO-2003-0288**

**Missouri Public  
Service Commission**

Dear Mr. Roberts:

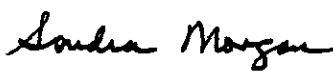
Enclosed for filing on behalf of Citizens Telephone Company of Higginsville, Missouri, please find an original and eight (8) copies of a Motion for Reconsideration and/or Rehearing.

Would you please see that this filing is brought to the attention of the appropriate Commission personnel.

I thank you in advance for your cooperation in this matter.

Sincerely yours,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:   
Sondra B. Morgan

SBM/lar  
Enclosure

cc: Michael Dandino  
Marc Poston  
Paul DeFord  
Brian Cornelius  
Jim Fischer/Larry Dority  
Craig Johnson/Lisa Chase

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

**FILED<sup>3</sup>**  
APR 30 2003

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 Carrier Eligible for	)	Case No. TO-2003-0288
Federal Universal Service Support pursuant	)	
to Section 254 of the Telecommunications	)	
Act of 1996.	)	

**MOTION FOR RECONSIDERATION AND/OR REHEARING**

Comes now Citizens Telephone Company of Higginsville, Missouri ("Citizens") and pursuant to § 386.500, RSMo 2000, and 4 CSR 240-2.160 files its Motion for Reconsideration and/or Rehearing of the Missouri Public Service Commission's ("Commission") April 22, 2003, Notice of Dismissal and Closing of Case. In support of its Motion for Reconsideration and/or Rehearing in the above-captioned matter Citizens states that:

1. On February 13, 2003, Missouri RSA No. 7 Limited Partnership d/b/a Mid-Missouri Cellular ("MMC") filed an Application for Designation as a Telecommunications Company Carrier Eligible for Federal Universal Support. Citizens, Alma Communications Group d/b/a Alma Telephone Company ("Alma") and Spectra Communications Group, LLC d/b/a CenturyTel and CenturyTel of Missouri, LLC (collectively "CenturyTel") filed timely applications to intervene. The Office of Public Counsel ("Public Counsel") filed a Request for Hearing. On April 4, 2003, the Commission granted the applications for intervention of Citizens, Alma and CenturyTel.

2. On March 24, 2003, the Staff of the Commission filed a Motion to Dismiss based on the Commission's alleged lack of jurisdiction over commercial mobile radio services ("CMRS")

carriers. Citizens, Alma and CenturyTel all filed responses to Staff's Motion to Dismiss in which they argued that the Commission did have jurisdiction pursuant to the Telecommunications Act of 1996 ("the Act") to determine if a CMRS carrier should be designated as an eligible telecommunications carrier ("ETC"). Public Counsel filed a concurrence with the Response of CenturyTel.

3. MMC also filed a response to Staff's Motion to Dismiss in which it stated that it "respectfully requests that the Commission expeditiously grant Staff's motion to dismiss so that a proper application may be submitted to the [Federal Communications Commission]" ("FCC"). On April 4, 2003, the Commission issued an Order Setting Prehearing Conference and Requiring Filing of Procedural Schedule. In this order, the Commission stated that, "This matter is now at issue and a prehearing conference and procedural schedule are appropriate to ensure its prompt resolution."

4. Yet on April 22, 2003, the Commission issued a Notice of Dismissal and Closing of Case in which it chose to treat MMC's response to Staff's Motion to Dismiss as a voluntary dismissal under Commission rule 4 CSR 240-2.116.

5. The Commission's decision to treat MMC's response to Staff's motion as a voluntary dismissal and dismiss the application is unlawful, unjust and unreasonable. Citizens requests that the Commission reconsider its decision to treat MMC's response as a voluntary dismissal. MMC did not directly request dismissal of its application. MMC only requested that the Commission grant Staff's Motion to Dismiss for lack of jurisdiction which is a very different thing. Treating MMC's acquiescence in Staff's Motion to Dismiss as a voluntary dismissal avoids any Commission decision on its jurisdiction to determine ETC status for MMC.

6. Citizens therefore respectfully requests that the Commission reconsider this decision and continue with its previous plan for a prehearing conference and procedural schedule in order to fully consider the jurisdictional issue. The order dismissing and closing the case was issued by delegation on procedural grounds, but the jurisdictional question is an important substantive matter that the Commission should consider rather than disposing of this case on procedural grounds.

7. Citizens requests that the Commission reconsider and rehear this case in order to address the jurisdictional issue, accept jurisdiction, and ultimately address the proposed application for ETC status. Citizens directs the Commission's attention to the Responses in Opposition to Staff's Motion to Dismiss filed by Citizens, Alma and CenturyTel setting forth the bases for the Commission to exercise jurisdiction in this matter. These responses set out examples of other instances where the Commission exercised jurisdiction pursuant to the Act without specific Missouri statutory authority. Citizens repeats its recommendation made in its Response that the Commission provide the parties with a chance to fully argue and brief the issue of jurisdiction.

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

Respectfully submitted,

By Sandra B. Morgan  
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Attorneys for Citizens Telephone Company of  
Higginsville, Missouri

### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was mailed or hand-delivered this 30<sup>th</sup> day of April, 2003 to:

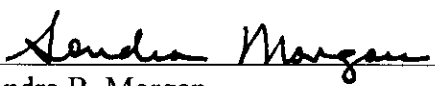
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