

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of the Application of	)	
Big River Telephone Company, LLC	)	
to Expand Its Certificate of Basic Local	)	Case No. _____
Service Authority to include provision of	)	
Basic Local Exchange Telecommunications	)	
Service in the Exchanges of BPS Telephone	)	
Company and to Continue to Classify the	)	
Company and its Services as Competitive.	)	

**APPLICATION OF BIG RIVER TELEPHONE COMPANY, LLC
TO EXPAND CERTIFICATE OF BASIC LOCAL SERVICE AUTHORITY**

COMES NOW Big River Telephone Company, LLC ("Big River"), by its undersigned counsel, and pursuant to the Federal Telecommunications Act of 1996 ("Act"), Sections 392.361, 392.410, 392.420, 392.430, 392.440, 392.450, 392.451 and 392.455 RSMo, and 4 CSR 240-2.060 and 4 CSR 240-3.510, hereby applies to expand its certificate of basic local authority to include provision of basic local exchange telecommunications service in the exchanges of BPS Telephone Company ("BPS"). Big River already has obtained authority from the Commission to provide facilities-based and resold basic local telecommunications service in the service territories of Southwestern Bell Telephone Company ("SWBT") n/k/a AT&T, CenturyTel of Missouri, LLC ("CenturyTel"), Spectra Communications Group, LLC ("Spectra") and Sprint Missouri, Inc. ("Sprint") as well as interexchange telecommunications services and non-switched local exchange telecommunications services (limited to providing dedicated, non-switched local

exchange private line services) throughout the state of Missouri.¹ Big River and its services have been classified as competitive.² In this Application, Big River seeks the additional authority to provide facilities-based and resold basic local exchange telecommunications service in the exchanges comprising the service territory of BPS. Additionally, pursuant to Sections 392.361 and 392.420 RSMo, Big River requests that its basic local service as offered in this additional territory be classified as competitive, that the company and its services remain classified as competitive, and that certain statutes and regulations be waived as to its basic local service as offered in this additional territory.

In support of its application Big River states to the Commission as follows:

I. QUALIFICATIONS

1. Name and Address: Applicant's legal name is Big River Telephone Company, LLC.

Big River maintains its principal place of business at:

24 S. Minnesota
Cape Girardeau, Missouri 63073
Telephone Number: (573) 651-3373
Fax Number: (573) 651-3605
E-Mail: jhowe@bigrivertelephone.com

2. Contact Persons: All inquiries, correspondence, communications, pleadings, notices, orders and decisions relating to this Application should be directed to:

¹ See *Application of Big River Telephone Company, LLC for Certificates of Service Authority to Provide Basic Local, Local Exchange, Exchange Access, and Interexchange Telecommunications Services in the State of Missouri and to Classify Said Services and the Company as Competitive*, Case No. TA-2001-699 (Order Granting Certificates effective August 13, 2001); *Application of Big River Telephone Company, LLC to Expand its Certificate to include provision of Basic Local Exchange Telecommunications Service in CenturyTel and Spectra Exchanges and to Continue to Classify the Company and its Services as Competitive*, Case No. LA-2003-0551 (Order Approving Expansion of Certificate of Service Authority effective September 28, 2003); *In the Matter of the Application of Big River Telephone Company, LLC to Expand its Certificate of Basic Local Service Authority to include provision of Basic Local Exchange Telecommunications Service in Sprint Exchanges and to Continue to Classify the Company an its Services as Competitive*, Case No. TA-2005-0415 (Order Approving Expansion of Certificate of Service Authority effective July 25, 2005).

²Id.

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Curtis, Heinz, Garrett & O'Keefe, PC
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Clayton, Missouri 63105
Telephone: (314) 725-8788
Facsimile: (314) 725-8789
Email: clumley@lawfirmemail.com
lcurtis@lawfirmemail.com

3. Corporate Liaison: Questions concerning the ongoing operations of Big River should be addressed to:

Gerard J. Howe, CEO
Big River Telephone Company, LLC
24 S. Minnesota
Cape Girardeau, Missouri 63073
Telephone: (573) 651-5298
Fax: 636-530-7850
E-Mail: jhowe@bigrivertelephone.com

4. Toll-Free Customer Service Number: Big River's toll-free customer service telephone number is:

(800) 455-1608

5. Corporate Structure: Big River Telephone Company, LLC is a foreign limited liability company organized and existing under Delaware law. Big River is qualified to do business in the state of Missouri. A Certificate of Authority from the Missouri Secretary of State is attached hereto as *Exhibit 1*.

6. Managerial and Technical Qualifications: Big River remains managerially and technically qualified to provide basic local telecommunications services in the state of Missouri, as found in Case Nos. TA-2001-699, LA-2003-0551 and TA-2005-0415. It has been successfully providing basic local service since it commenced operations in 2001.

7. Financial Qualifications: Big River remains financially qualified to provide telecommunications services in the state of Missouri, as found in Case Nos. TA-2001-699, LA-

2003-0551 and TA-2005-0415. It has been successfully providing basic local service since it commenced operations in 2001. Base on these prior determinations and operations, Big River seeks a waiver of the requirement that financial data be submitted under 4 CSR 240-3.510(1)(D).

II. PROPOSED SERVICES

8. Description of Proposed Services: Big River is currently authorized to, and does, provide basic local exchange telecommunications service within the service territories of AT&T, CenturyTel and Spectra pursuant to approved tariffs. Big River is currently authorized to provide basic local exchange telecommunications services within the service territory of Sprint and is completing the process of making necessary arrangements to provide service there. Big River requests that the Commission take notice of its local exchange service tariffs, which are incorporated herein by reference. Big River seeks additional authorization to provide basic local service in the exchanges served by BPS. The specific exchanges are Bernie, Parma and Steele. Big River's new exchanges will follow the boundaries of BPS's respective exchanges and will not be smaller than BPS's respective exchanges. Big River's services meet established Commission standards. Big River will continue to offer basic local service as a separate and distinct service, including in BPS's exchanges. Big River shall, throughout BPS's service area, offer all telecommunications services which the Commission has determined are essential for purposes of qualifying for state universal service fund support. Big River shall advertise the availability of such essential services and the charges therefore using media of general distribution.

9. Tariff Requirement: Big River exercises its option and requests a temporary waiver of 4 CSR 240-3.510(1)(C), which requires that an application for a certificate of service authority to provide basic local exchange service shall include a proposed tariff with a 45-day effective date, but allows applicants the option of postponing tariff submittal. Big River needs to

complete the process of obtaining an approved interconnection agreement with BPS before formally submitting proposed tariff changes with an effective date. Big River will file tariffs in a manner consistent with the Commission's practices in similar cases before providing basic local service in the expanded service area.

III. CLASSIFICATION AS A COMPETITIVE TELECOMMUNICATIONS COMPANY AND WAIVER OF CERTAIN REGULATORY REQUIREMENTS

10. Classification of Services as Competitive: Big River seeks continued classification as a competitive company, including classification of its basic local exchange telecommunications service in the new service area as competitive, pursuant to Section 392.361 and Section 392.420 RSMo and 4 CSR 240-3.510(1)(A). Big River also seeks the reduced regulation that routinely accompanies such classification. In the Commission's previous orders granting Big River certificates of service authority, the Commission classified Big River and its services as competitive.

11. Waiver of Rules: Big River will comply with all applicable Commission rules, except those that are waived by the Commission, in providing basic local service in the new service area. Specifically, Big River will file and maintain tariffs and meet minimum service standards, including quality of service and billing standards, as the Commission requires of BPS. Big River will make reports to and other informational filings with the Commission as is required of BPS. Consistent with the Commission's current treatment of Big River and other certificated competitive local exchange telecommunications companies, Big River requests that the following statutes and regulations be waived regarding Big River's basic local exchange telecommunications service in the new service area:

<u>Statutes</u>	<u>Missouri Public Service Commission Rules</u>
392.210.2	4 CSR 240-10.020
392.240 (1)	4 CSR 240-30.040
392.270	4 CSR 240-3.550(5)(C)
392.280	
392.290	
392.300.2	
392.310	
392.320	
392.330	
392.340	

The Commission has previously determined that there is good cause and reason for waiving these statutes and regulations for competitive companies and basic local service and such determination remains sound. No public utility will be affected by the requested waiver of these statutes and regulations. Notwithstanding those waivers, Big River will comply with the same rules and regulations as the Commission may impose on BPS.

12. Switched Access Rates: Notwithstanding the provisions of Sections 392.500 and 392.510 R.S.Mo., as a condition of the requested certification and competitive classification, Big River agrees that, unless otherwise ordered by the Commission, Big River originating and terminating switched exchange access rates in the new service area will be no greater than the lowest Commission-approved corresponding access rates in effect for BPS in its service area. Additionally, pursuant to the Commission's Report and Order in Case No. TO-99-596, Big River agrees that if BPS decreases its current originating and/or terminating access service rates, Big River shall file an appropriate tariff amendment to reduce its corresponding originating and/or terminating access rates within thirty (30) days of BPS's reduction of its originating and/or terminating access rates in order to maintain aforesaid cap on switched exchange access rates. Big River agrees that, absent contrary legal authority, any increase in switched access rates

above the aforesaid maximum shall be subject to Section 392.200 RSMo and cost-justified pursuant to Sections 392.220 and 392.230 RSMo.

13. Pending Actions: Big River does not have any pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or customer rates, which action, judgment, or decision has occurred within three years of the date of this Application.

14. Compliance with Orders and Regulations: Big River will comply with all applicable orders and regulations of the Commission.

15. Annual Reports and Fees: Big River does not have any overdue annual reports or assessment fees.

IV. PUBLIC INTEREST CONSIDERATIONS

16. The Commission granted Big River its current certificates of service authority, based in part upon finding that such action was in the public interest. The grant of this Application will also further the public interest by increasing equitable access for Missourians, regardless of where they live or their income, to affordable telecommunications services. Big River's proposed services will create and enhance competition and expand customer service options consistent with the legislative goals set forth in the Federal Telecommunications Act of 1996 and Chapter 392 RSMo. In particular, the public will benefit directly through the use of the competitive basic local exchange service to be offered by Big River. The public will also benefit indirectly because the competitive presence of Big River will increase the incentives for the incumbent and others to operate more efficiently, offer more innovative services, reduce prices, and improve the quality and coverage of services.

17. Granting this Application will promote the availability of quality services and increased consumer choice. Big River's expertise in telecommunications will allow it to provide

economic and efficient services in the new service area, thereby affording more customers with an optimal combination of price, quality, and customer service. Big River anticipates that expansion of its basic local service territory will increase consumer choice for innovative, diversified, and reliable service offerings and otherwise further the public interest.

WHEREFORE, Big River Telephone Company, LLC respectfully requests that the Commission grant it the requested expansion of its certificate of service authority to include provision of basic local telecommunications service in the service territory of BPS, classify its basic local service in the new territory as competitive, continue to classify the company as competitive, and grant waiver of the identified statutes and regulations as to the provision of basic local service in the new territory.

Respectfully submitted,

/s/ Carl J. Lumley

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Leland B. Curtis, #20550
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Clayton, Missouri 63105
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Email: clumley@lawfirmemail.com
lcurtis@lawfirmemail.com

ATTORNEYS FOR BIG RIVER TELEPHONE
COMPANY, LLC

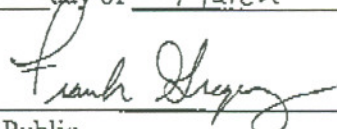
VERIFICATION

STATE OF MISSOURI)
)
 COUNTY OF ST. LOUIS) SS.

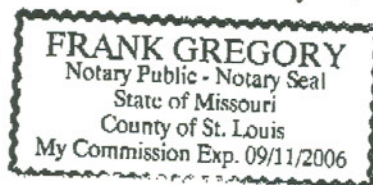
I, GERARD J. HOWE, being first duly sworn, depose and state that I am over the age of 21 years sound of mind, and the CEO of Big River Telephone Company, LLC, the Applicant in the subject proceeding, and that I am authorized to make this Verification on behalf of Big River Telephone Company, LLC; that I have read the foregoing Application and know the contents thereof; and that the same is true and correct to the best of my knowledge, information, and belief. Further, I verify that the Applicant will comply with all other applicable rules and regulations. I also verify that Carl J. Lumley, Leland B. Curtis, and Curtis, Heinz, Garrett & O'Keefe, P.C., 130 S. Bemiston, Suite 200, St. Louis, Missouri 63105, are authorized to sign all pleadings and documents necessary to receive the approval of the Missouri Public Service Commission of the foregoing Application, and to represent Big River Telephone Company, LLC in this proceeding.


 Gerard J. Howe, CEO
 Big River Telephone Company, LLC

Subscribed and sworn to before this 8th day of March, 2006.


 Notary Public

My Commission Expires:



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was served upon the parties listed below on this 9th day of March, 2006 by either e-mail or U.S. Mail, postage prepaid.

/s/ Carl J. Lumley

Carl J. Lumley

Office of the Public Counsel
PO Box 7800
Jefferson City, Missouri 65102
opcservice@ded.mo.gov

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Missouri Public Service Commission
PO Box 360
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W.R. "Trip" England
Brydon, Swearengen and England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102-0456
trip@brydonlaw.com

EXHIBIT 1

CERTIFICATE OF GOOD STANDING

STATE OF MISSOURI



Robin Carnahan
Secretary of State

**CORPORATION DIVISION
CERTIFICATE OF GOOD STANDING**

I, ROBIN CARNAHAN, Secretary of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

BIG RIVER TELEPHONE COMPANY, LLC

using in Missouri the name

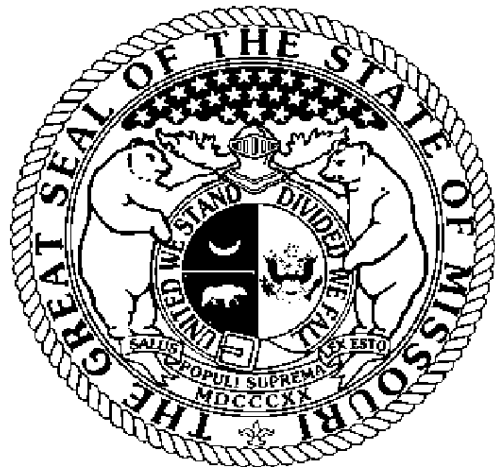
**BIG RIVER TELEPHONE COMPANY, LLC
FL0051606**

a DELAWARE entity was created under the laws of this State on the 4th day of June, 2001, 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 9th day of March, 2006

A handwritten signature in cursive script that reads "Robin Carnahan".

Secretary of State



Certification Number: 8455073-1 Reference:
Verify this certificate online at <http://www.sos.mo.gov/businessentity/verification>