

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 throughout the State of Missouri 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 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 all exchanges throughout the State of Missouri. 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 Missouri, CenturyTel of Missouri, LLC ("CenturyTel"), Spectra Communications Group, LLC ("Spectra"), Embarq Missouri, Inc. ("Embarq") collectively n/k/a CenturyLink, BPS Telephone Co., and the Huntsville exchange of Chariton Valley Telephone, 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

¹See *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*

Big River and its services have been classified as competitive.² Big River is in good standing in all respects with all applicable Commission rules and requirements. In this Application, Big River seeks the additional authority to provide facilities-based and resold basic local exchange telecommunications service in the exchanges comprising all other service territories within the State of Missouri, following all exchange boundaries of incumbent local exchange telecommunications companies. 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.

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

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); In the Matter of the Application of Big River Telephone Company, LLC to Expand its Certificate 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, Case No. TA-2007-0093 (Report and Order effective May 4, 2007; In the Matter of the Application of Big River Telephone Company, LLC, to Expand its Certificate of Basic Local Exchange Telecommunications Service in the Huntsville Exchange of Chariton Valley Telephone Corporation and to Continue to Classify the Company and its Services as Competitive, Case No. TA-2009-0085 (Order Approving Expansion of Certificate of Service Authority effective October 3, 2008).

²Id.

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

Carl J. Lumley
Curtis, Heinz, Garrett & O'Keefe, PC
130 S. Bemiston, Suite 200
Clayton, Missouri 63105
Telephone: (314) 725-8788
Facsimile: (314) 725-8789
Email: clumley@lawfirmemail.com

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

Andrew Schwantner, Director-Contract Compliance
Big River Telephone Company, LLC
24 S. Minnesota
Cape Girardeau, Missouri 63073
Telephone: (314) 225-2205
Fax: 314-225-2235
E-Mail: aschwantner@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, TA-2005-0415, TA -2007-0093 and TA-2009-0085. 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, TA-2005-0415, TA-2007-0093 and TA-2009-0085. It has been successfully providing basic local service since it commenced operations in 2001. Based 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 provide basic local exchange telecommunications service within the service territory of AT&T Missouri, CenturyLink, as well as BPS's service territory exchanges of Bernie, Parma and Steele, and Chariton Valley Telephone's Huntsville exchange.

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 all other exchanges throughout the State of Missouri. Big River's services meet applicable minimum Commission standards. Big River will continue to offer basic local service as a separate and distinct service.

9. Tariff Requirement: Pursuant to 4 CSR 240-3.510(1)(C), Big River will file revised tariffs 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 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, in providing basic local service in its existing and new service area. Specifically, Big River will file and maintain tariffs and meet applicable minimum standards. Big River will make reports to and other informational filings with the Commission as required. Pursuant to Section 392.420 R.S.Mo. (see also Section 392.245.5(8)), which provides good cause for this request, Big River requests that the following statutes and regulations be and/or continue to be waived for Big River:

<u>Statutes</u>	<u>Missouri Public Service Commission Rules</u>
392.210.2	4 CSR 240-3.550(4) and (5)(A)
392.240.1	4 CSR 240-10.020
392.270	4 CSR 240-30.040
392.280	4 CSR 32.050(4)(B)
392.290	4 CSR 240-32.060
392.300	4 CSR 240-32.070
392.310	4 CSR 240-32.080
392.320	4 CSR 240-33.040 (except subsection (4))
392.330	4 CSR 240-33.045
392.340	4 CSR 240-33.080(1)
	4 CSR 240-33.130(1), (4) and (5)

Regarding rule 4 CSR 240-32.050(4)(B) Big River requests that the Commission waive such rule to the extent that it approved waiver of the aforesaid Rule in connection with Southwestern Bell Telephone Company's d/b/a AT&T Missouri's Application for Waiver of the General Distribution Requirement of White Pages Directories Under Rule 4 CSR 240-32.050(4)(B) (File No.: IE-2009-0357). No public utility will be affected by the requested waiver of these statutes and regulations.

12. Switched Access Rates: Big River acknowledges that in accordance with Section 392.361.6, Big River exchange access rates will not exceed the corresponding exchange access rates in effect for the incumbent LECs in the respective service areas. Additionally, Big River agrees that if such incumbents decrease their current originating and/or terminating access service rates, Big River shall file an appropriate tariff amendment as necessary to reduce its corresponding originating and/or terminating access rates within thirty (30) days thereof in order to maintain aforesaid cap on exchange access rates.

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.

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 all exchanges in the State of Missouri, classify its basic local service in the new territory as competitive, continue to classify the company as competitive, grant waiver of the identified statutes and regulations, including a

waiver of 4 CSR 240-32.050(4)(B) to the extent it granted such waiver to AT&t Missouri in File No. IE-2009-0357, and grant such other and further relief to Big River as the Commission deems meet and proper.

Respectfully submitted,

/s/ Carl J. Lumley

Carl J. Lumley, #32869
Curtis, Heinz, Garrett & O'Keefe, PC
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Clayton, Missouri 63105
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Attorneys for Big River Telephone Company, LLC

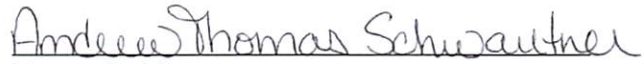
VERIFICATION

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 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 25th day of February, 2011.


Notary Public

My Commission Expires: 5/31/2014

ANDREW THOMAS SCHWANTNER
Notary Public - Notary Seal
STATE OF MISSOURI
Jefferson County
Commission Number 10893876
My commission expires May 31, 2014

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was served upon the parties listed below on this 25th day of February, 2011, by either e-mail or U.S. Mail, postage prepaid.

/s/ Carl J. Lumley

Carl J. Lumley

Office of the Public Counsel
PO Box 2230
Jefferson City, Missouri 65102
opcservice@ded.mo.gov

Office of General Counsel
Missouri Public Service Commission
PO Box 360
Jefferson City, Missouri 65102
gencounsel@psc.mo.gov

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

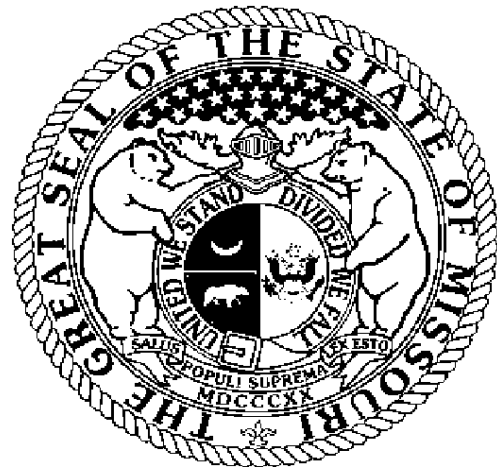
**BIG RIVER TELEPHONE COMPANY, LLC
FL0051606**

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 25th day of February, 2011

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

Secretary of State



Certification Number: 13576632-1 Reference:
Verify this certificate online at <https://www.sos.mo.gov/businessentity/soskb/verify.asp>