

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

Application of USCOC of Greater Missouri, LLC for Designation as an Eligible Telecommunications Carrier Pursuant to the Telecommunications Act of 1996)))))
			Case No. TO-2005-0384		

**SUGGESTIONS RESPECTING
PROPOSED PROCEDURAL SCHEDULE**

COME NOW Intervenors, Spectra Communications Group, LLC d/b/a CenturyTel and CenturyTel of Missouri, LLC (collectively “CenturyTel”), pursuant to the Commission’s Order issued on August 14, 2006 in the above-captioned cause, and for their *Suggestions Respecting Proposed Procedural Schedule*, respectfully state as follows:

1. For the reasons stated below, CenturyTel opposes the proposed procedural schedule filed by USOC of Greater Missouri, LLC (“US Cellular”) and joins in support of the proposed procedural schedule filed by the Staff, Office of the Public Counsel and the other intervenors.

2. Once again, US Cellular argues against further delay of the proceedings and is requesting a very expedited schedule (including the rare procedure of requiring the other parties to present live testimony at the hearing). CenturyTel submits, however, that any delay in these proceedings has been of US Cellular’s own making, not the fault of the Commission or of the other parties, and this case would be farther along had US Cellular itself acted more expeditiously.

3. US Cellular delayed to **August 11, 2006** in filing its supplemental submission in response to the Commission's **March 21, 2006** *Order Directing Applicant To File Additional Information About Intended Use of High Cost Support*.

4. Pursuant to the Commission's August 14, 2006 *Order Directing Response To Compliance Filing*, the other parties timely filed their respective responses on September 1, 2006.

5. US Cellular then again delayed, past the ten (10) days allowed by the Commission's rules, until less than twenty-four (24) hours before the September 22, 2006 prehearing conference to file its reply to the other parties' September 1, 2006 responses. By so doing, very little was or could be accomplished at the prehearing conference.

6. Moreover, during the on-the-record portion of the prehearing conference US Cellular continued to refuse to unequivocally state whether it believed that the Commission's new ETC rule should be used as the standard in this proceeding (see prehearing transcript, pp. 451-452). Both Northwest Missouri Cellular Limited Partnership¹ and Missouri RSA No. 5 Partnership² clearly agreed that the Commission's ETC rule *did* apply to their respective applications even though, like US Cellular, the Commission's ETC rule became effective after they had filed their respective applications. US Cellular's continued refusal to state its position on this issue necessarily will affect the scope and way in which the other parties address US Cellular's supplemental filing, and thus will require more time for testimony and hearing preparation than being proposed by US Cellular.

¹ Case No. TO-2005-0466.

² Case No. TO-2006-0172.

7. For example, if US Cellular is taking the position that the Commission cannot and should not apply the ETC rule in this case³, then at least two obvious and basic problems arise. First, this necessarily and as a practical matter means that US Cellular is requesting different treatment, and the application of different standards, than those currently being applied to other ETC applicants. At minimum, this approach violates any notions of parity and nondiscriminatory regulatory treatment among ETC applicants. Second, if the rule somehow is not jurisdictionally applicable to determine whether US Cellular's ETC designation should be granted in the first instance, on what basis does it magically become jurisdictionally applicable later when US Cellular comes back for its annual certification? Is it because US Cellular has stated that is willing to comply with the ETC rule sometime *after* it receives ETC status? If so, then the Commission is exercising its regulatory authority over the annual certification process only with the permission of US Cellular *and* US Cellular will have escaped the same level of scrutiny currently being imposed on its wireless ETC applicant competitors.

8. In addition, the previously hypothetical situation warned of by CenturyTel in this and in prior cases has now arrived. The Commission has now granted ETC status to the previously mentioned two ETC applicants in wire centers that overlap wire centers also being requested by US Cellular. This necessarily raises the issue in this proceeding of how the Commission is to appropriately address competing wireless ETC applicants for the same wire centers⁴, which in addition to analyzing and addressing the new

³ The Commission understandably could conclude this based on U.S. Cellular's prior arguments and the language used in U.S. Cellular's supplemental submission, regardless of certain language now contained in US Cellular's latest proposed procedural schedule filing.

⁴ In terms of comparing the cases made by the various applicants, one issue previously raised during the hearing involved the fact that US Cellular has significant operations outside the state of Missouri and does not use a Missouri-specific budget or prepare or utilize Missouri-specific financial information. This was not an issue in the other two ETC cases as those wireless companies operate only in Missouri.

budgetary and tower location information that significantly changes US Cellular's original case, again requires more time for testimony and hearing preparation than that being proposed by US Cellular.

WHEREFORE, CenturyTel respectfully requests that the Commission reject US Cellular's proposed expedited procedural schedule and adopt the procedural schedule requested by the other parties.

Respectfully submitted,

/s/ Charles Brent Stewart

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served on counsel for all parties of record in Case No. TO-2005-0384 by electronic transmission this 4th day of October, 2006.

/s/ Charles Brent Stewart
