

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

In the Matter of Proposed New Rule)	
4 CSR 240-3.570 Regarding Eligible)	
Telecommunications Carrier Designations)	Case No. TX-2006-0169
for Receipt of Federal Universal Service)	
Fund Support.)	

**RESPONSE TO MOTION FOR
CLARIFICATION OR REHEARING**

COME NOW Spectra Communications Group, LLC d/b/a CenturyTel (“Spectra”) and CenturyTel of Missouri, LLC (“CenturyTel-Missouri”), pursuant to 4 CSR 240-2.080(15), and for their response to the *Motion For Clarification Or Rehearing* filed by USCOC of Greater Missouri, LLC, d/b/a U.S. Cellular (U.S. Cellular”) on March 17, 2006, respectfully state as follows:

Simply put, the Commission’s final ETC rule is sufficiently clear and the Commission should deny U.S. Cellular’s further requested modifications. U.S. Cellular’s fear that the rule’s language somehow might require a wireless ETC to construct a tower to serve a single customer, after ETC designation has been granted, is unfounded. The language of the Commission’s rule in subsection (3)(C)(3), as adopted, repeatedly uses the word “reasonable” and on that basis alone does *not* require the newly designated ETC to make unreasonable, post-ETC designation investments when attempting to meet service requests by a new customer or customers. U.S. Cellular itself appears to acknowledge as much in its *Motion For Clarification Or Rehearing*. In any event, the rule clearly provides an ETC with several options, short of constructing a new cell tower in individual circumstances, and need not be further “clarified”.

What U.S. Cellular urges with its proposed additional language is that the Commission adopt a post –ETC designation “cost/benefit test” *in each individual circumstance* where the ETC applicant does not already provide service. In some cases—including that of U.S. Cellular’s particular case—this necessarily involves a very large geographic area. This approach clearly is intended to allow U.S. Cellular broad, unilateral discretion in investing in new infrastructure and is inappropriate for several reasons.

First, U.S. Cellular’s approach flies in the face of the very purpose of USF funding for new ETCs; namely, that of encouraging infrastructure investment in high cost, insular rural areas and to provide, in the case of wireless ETCs, high quality, urban-like signal coverage *throughout the ETC service area*. 47 U.S.C. Section 254(b)(3) states:

ACCESS IN RURAL AND HIGH COST AREAS.—Consumers in all regions of the Nation, *including low-income consumers and those in rural, insular, and high-cost areas*, should have access to telecommunications and information services, including interexchange services and advanced telecommunications and information services, *that are reasonably comparable to those services provided in urban areas* and that are available at rates that are reasonably comparable to rates charged for similar services in urban areas (emphasis supplied).

Adoption of U.S. Cellular’s proposed new language to subsection (3)(C)3.D would make the exception swallow the rule when it comes to construction of new wireless infrastructure in rural areas.

Second, U.S. Cellular’s approach also fundamentally and inappropriately shifts the entire focus away from the two-year build-out plan, which should be the Commission’s primary focus to ensure public accountability. U.S. Cellular confuses the proper placement of the “cost/benefit test” as part of the ETC review process. The

“cost/benefit” test should be part of the Commission’s *initial* evaluation and decision on whether to designate an additional ETC in a particular area in the first place. If the potential costs of the ETC applicant serving throughout its requested ETC service area outweigh the benefits, the Commission should deny the request since it would not be in the public interest. This is especially important as the Commission evaluates the applications of multiple new ETC applicants for the same geographic area; given the scarcity of USF dollars, preference should be given to those ETC applicants who can best demonstrate their current and future commitment and ability to most ubiquitously serve an area with a high quality of service. This is a very real concern given the currently pending ETC applications before the Commission which overlap the ETC area sought by U.S. Cellular.

Finally, U.S. Cellular’s proposed additional language is especially troublesome when it comes to the question of *who* exactly is in a position to make a “reasonable request for service” along major highways (as opposed to a customer’s residence or business location) within a requested ETC service area. Wireless mobility has been touted as a major public interest benefit of granting ETC status to wireless ETCs. This benefit can only be obtained, however, if the wireless ETC applicant is required to demonstrate, initially and upfront, how it intends to provide high quality signal coverage along major highways in its ETC service area. This is a factor that the Commission should consider in the initial evaluation of the public interest benefits of the ETC designation. It is both unworkable and inappropriate to defer the question of highway coverage to the post-ETC designation review phase of the process where it would be

solely based on future individual customer requests for service, as U.S. Cellular's proposed language appears to anticipate.

For all these reasons, the Commission should deny U.S. Cellular's *Motion For Clarification or Rehearing*.

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 was sent via electronic transmission to the General Counsel's Office and the Office of the Public Counsel this 27th day of March, 2006.

/s/ Charles Brent Stewart
