

FILED<sup>4</sup>

AUG 16 2006

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

Missouri Public  
Service Commission

In the Matter of the Application of )  
CenturyTel of Missouri, LLC for CPI-TS )  
Reduction Waiver in Accordance with ) Case No. \_\_\_\_\_  
Section 392.245.4(1)(a), RSMo. (2006). )

APPLICATION OF CENTURYTEL OF MISSOURI, LLC  
FOR CPI-TS REDUCTION WAIVER

COMES NOW CenturyTel of Missouri, LLC ("CenturyTel" or "Applicant"), pursuant to 4 CSR 240-3.015, 4 CSR 240-2.060(4) and Section 392.245.4(1)(a), RSMo. (2006)<sup>1</sup>, and for its Application for CPI-TS Reduction Waiver respectfully states as follows:

1. CenturyTel is a Louisiana Limited Liability Company authorized to do business in Missouri as evidenced by the certificate of authority issued by the Missouri Secretary of State which was filed in Case No. TM-2002-232 and incorporated herein by reference. On August 30, 2002, CenturyTel purchased the local exchange property of GTE Midwest Incorporated d/b/a Verizon Midwest, pursuant to the Commission's *Report & Order* in Case No. TM-2002-232 issued on May 21, 2002. In Case No. TM-2002-232, the Commission authorized CenturyTel to provide basic local and interexchange telecommunications services in Missouri.

2. Applicant is a "telecommunications company" and "public utility" as those terms are defined by Section 386.020, RSMo. 2000 and is therefore subject to the jurisdiction and regulation of the Commission as provided by law. Additionally,

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<sup>1</sup> On July 10, 2006, Governor Blunt signed into law Senate Bill No. 1066 ("SB 1066"), which becomes effective August 28, 2006, prior to the effective date of the relief and Commission action requested herein, October 1, 2006. All references to Section 392.245.4(1) and (2), RSMo. shall be to those versions as amended by SB 1066 unless otherwise noted.

NON-PROPRIETARY

Applicant is subject to "price cap regulation" as that term is used in Section 392.245, RSMo 2000.

3. All communications, correspondence, pleadings, orders and decisions regarding this proceeding should be directed to:

Larry W. DORITY  
FISCHER & DORITY, P.C.  
101 Madison, Suite 400  
Jefferson City, MO 65101  
(573) 636-6758  
(573) 636-0383 (fax)

Arthur P. Martinez  
CenturyTel  
220 Madison Street  
Jefferson City, MO 65101  
(573) 634-8424  
(573) 636-6826 (fax)

4. Applicant has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of the application. Applicant does not have any annual report or assessment fees which are overdue.

5. Section 392.245.4(1), RSMo (2006) provides in part:

. . . Thereafter, the maximum allowable prices for exchange access and basic local telecommunications services of an incumbent local exchange telecommunications company shall be annually changed by one of the following methods:

(a) By the change in the telephone service component of the Consumer Price Index (CPI-TS), as published by the United States Department of Commerce or its successor agency for the preceding twelve months; provided, however, that if such a change in the CPI-TS for the preceding twelve months is negative, upon request by the company and approval by the commission for good cause shown, the commission may waive any requirement to reduce prices of exchange access and basic local telecommunications service and those existing prices shall remain the

maximum allowable prices for purposes of this section until the next annual change. All revenues that are attributable to a CPI-TS reduction waiver shall be used for the purposes approved by the commission to benefit local exchange ratepayers in a specific exchange or exchanges, including but not limited to expanded local calling scopes; or

Section 392.245.4(2), RSMo (2006) provides:

The commission shall approve a change to a maximum allowable price or make a determination regarding a request for waiver filed pursuant to paragraph (a) of subdivision (1) of this subsection within forty-five days of filing of notice by the local exchange telecommunications company. An incumbent local exchange telecommunications company shall file a tariff to reduce the rates charged for any service in any case in which the current rate exceeds the maximum allowable price established under this subsection.

6. Pursuant to the Commission's decision in Case No. TT-2006-0077, Applicant previously effectuated the above-referenced annual change to the maximum allowable prices for exchange access and basic local telecommunications services on an October 1, twelve-month basis. Accordingly, the forty-five day notice, request for waiver and tariff filings with the Commission, as contemplated by Section 392.245.4 and Section 392.245.11, are being made on August 16, 2006.<sup>2</sup>

7. In accordance with Section 392.245.4(1), the change in the telephone service component of the Consumer Price Index (CPI-TS) was calculated using a twelve-month moving average to arrive at a negative 0.1578 percent adjustment. CenturyTel's annual adjustment to basic local telecommunications services and exchange access would otherwise result in a total reduction of \*\* \$ \_\_\_\_\_ \*\*.

8. Pursuant to Section 392.245.4(1)(a), set forth above, CenturyTel respectfully requests a waiver for good cause shown from the requirement to reduce

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<sup>2</sup> In addition to the tariff filing resulting from the instant waiver application, Applicant also has included changes to maximum allowable prices for nonbasic telecommunications services, pursuant to Section 392.245.11, as a part of its annual price cap filings.

prices of exchange access and basic local telecommunications service, and that existing prices remain the maximum allowable prices for purposes of said section until the next annual change.

9. Whereas CenturyTel is a party to Commission Case No. TO-2005-0143, *In the Matter of a Request for the Modification of the Springfield Metropolitan Calling Area Plan to Make the Ozark Exchange a Mandatory MCA Tier 1 Exchange*, and has been involved in continuing discussions with the Office of the Public Counsel regarding possible resolutions of that matter, CenturyTel proposes to utilize all revenues that are attributable to such CPI-TS reduction waiver to benefit local exchange ratepayers in CenturyTel's Ozark exchange and facilitate expanded local calling – all as contemplated by Section 392.245.4(1)(a) – by reducing the current MCA Tier 2 rate for Ozark residential and business customers as set forth on the attached tariff, designated **Exhibit A** and incorporated herein by reference. CenturyTel respectfully submits that such benefit to Ozark's local exchange ratepayers and the facilitation of expanded local calling constitutes good cause shown in accordance with the referenced statutory section and Commission rule. CenturyTel is the public utility primarily affected by the requested waiver.<sup>3</sup>

10. Applicant is authorized to state in this pleading that the Office of the Public Counsel supports the relief requested herein.

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<sup>3</sup> Commission Rule 4 CSR 240-2.060(4) provides that applications for waivers from statutory provisions which may be waived, shall contain information as follows:

- (A) Specific indication of the statute, rule or tariff from which the variance or waiver is sought;
- (B) The reasons for the proposed variance or waiver and a complete justification setting out the good cause for granting the variance or waiver; and
- (C) The name of any public utility affected by the variance or waiver.

As the Applicant herein, CenturyTel is the primary public utility affected by the waiver. Ostensibly, public utilities that are exchange access customers of CenturyTel would be affected by the waiver, albeit *de minimus*.

11. In accordance with Section 392.245.4(2), the Commission shall make a determination regarding a request for waiver filed pursuant to paragraph (a) of subdivision (1) of subsection 4 within forty-five days of the filing of notice by the local exchange telecommunications company.

WHEREFORE, CenturyTel of Missouri, LLC respectfully requests that the Commission approve for good cause shown its request for waiver of the requirement to reduce prices of exchange access and basic local telecommunications service and approve the purposes and use of all revenues that are attributable to the CPI-TS reduction waiver, all as specifically set forth herein and in conformance with Section 392.245.4(1) and (2), RSMo. (2006).

Respectfully submitted,

**/s/ Larry W. Dority**

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Larry W. Dority #25617  
FISCHER & DORITY, P.C.  
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Jefferson City, MO 65101  
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Email: [lawdority@sprintmail.com](mailto:lawdority@sprintmail.com)

Attorneys for CenturyTel of Missouri, LLC

## **CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered, transmitted by e-mail or mailed, First Class, postage prepaid, this 16<sup>th</sup> day of August, 2006, to:

Michael Dandino, Deputy Public Counsel  
Office of the Public Counsel  
200 Madison Street  
Jefferson City, MO 65101

Kevin Thompson, General Counsel  
William Haas, Deputy General Counsel  
Missouri Public Service Commission  
200 Madison Street  
Jefferson City, MO 65101

**/s/ Larry W. Dority**

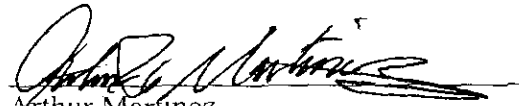
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Larry W. Dority

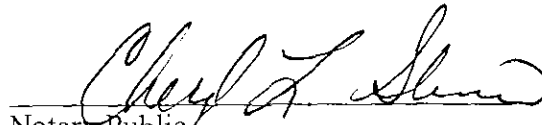
## VERIFICATION

STATE OF MISSOURI                    )  
  ) SS  
COUNTY OF COLE                    )

I, Arthur Martinez, of lawful age, being first duly sworn upon my oath, state that I am the Director Government Relations of CenturyTel and that I am authorized to execute this Application on behalf of CenturyTel of Missouri, LLC; and that the facts set forth in the foregoing Application are true to the best of my knowledge, information and belief.

  
Arthur Martinez

Subscribed and sworn to before me this 16<sup>th</sup> day of August, 2006.

  
Notary Public

My Commission expires:

CHERYL L. SLOAN  
Notary Public - Notary Seal  
STATE OF MISSOURI  
County of Cole  
My Commission Expires Nov. 17, 2006

**GENERAL AND LOCAL EXCHANGE TARIFF**LOCAL EXCHANGE SERVICEMETROPOLITAN CALLING AREA (MCA) PLAN

## I. Rates and Charges

		<u>GSEC</u>	<u>Res.</u>	<u>GSEC</u>	<u>Bus.</u>	
1.	Monthly rates, per line:					
a.	Springfield MCA-2					
1)	Flat Rate	EASMCA2R	\$11.45	EASMCA2B	\$21.75	
a)	Ozark exchange	EASMCA2R	\$9.99 <sup>(2)</sup> (R)	EASMCA2B	\$20.28 <sup>(2)</sup> (R)	(C) (C)
b.	St. Louis/Kansas City MCA-4					
1)	Flat Rate	EASMCA4RSL	21.55	EASMCA4BSL	46.75	
a.	St. Peter's exchange	EASMCASPR	20.55 <sup>(1)</sup>	EASMCASPB	45.75 <sup>(1)</sup>	
c.	St. Louis/Kansas City MCA-5					
1)	Flat Rate	EASMCA5RSL	32.50	EASMCA5BSL	70.70	

(1) This charge is applicable to St. Peter's exchange MCA Plan subscribers only. This rate is reduced by the EAS rate of \$1.00 from the St. Peter's to Harvester route.

(2) This charge is applicable to Ozark exchange MCA Plan subscribers only. (N)

Issued: August 16, 2006

Effective: October 1, 2006

Chantel Mosby  
Manager, Tariffs and Compliance  
Monroe, Louisiana