

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

In the Matter of the Application of )  
Time Warner Cable Information Services )  
(Missouri), LLC for a Certificate )  
of Service Authority to Provide Local ) Case No. LA-2004-0133  
and Interexchange Voice Service )  
in Portions of the State of Missouri )  
And to Classify said Services and )  
the Company as Competitive. )

**APPLICATION TO INTERVENE OUT OF TIME  
OF  
ALLTEL MISSOURI, INC.**

**COMES NOW** ALLTEL Missouri, Inc. (“ALLTEL”), pursuant to Commission Rule 4 CSR 240-2.075(5), and respectfully files its Application to Intervene Out of Time in the above captioned proceeding, and in support thereof states as follows:

1. ALLTEL Missouri, Inc. is a Missouri corporation, and a Certificate of Corporate Good Standing from the Missouri Secretary of State, dated October 2, 2001, was attached to the application filed in Case No. TO-2002-169, which is incorporated herein by reference. ALLTEL provides basic local exchange telecommunications services in Missouri. The legal name and principal office or place of business of ALLTEL is:

ALLTEL Missouri, Inc.  
One Allied Drive  
P.O. Box 2177  
Little Rock, Arkansas 72203  
Telephone: (501) 905-5342  
Facsimile: (210) 905-5679

2. All correspondence, communications, and orders and decisions of the Commission regarding this Application should be sent to:

Larry W. DORITY  
FISCHER & DORITY, P.C.  
101 Madison, Suite 400  
Jefferson City, Missouri 65101  
Telephone: (573) 636-6758  
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3. On September 12, 2003, Time Warner Cable Information Services (Missouri), LLC ("Time Warner") filed its Application For Certificate of Service Authority To Provide Local And Interexchange Voice Service And For Competitive Classification for portions of the State of Missouri. On September 23, 2003, the Commission issued its Notice Of Applications For Intrastate Certificates Of Service Authority and Opportunity To Intervene which established intervention dates of October 8, and October 23, 2003, in this proceeding.

4. Time Warner's Application indicates that it is proposing to provide Voice over Internet Protocol ("VoIP") services, and that Time Warner reserves its rights regarding the appropriate classification and regulatory treatment of such VoIP services.

5. In Case No. TO-2004-0172, *In the Matter of an Investigation of Voice Over Internet Protocol and Virtual NXX Telephony in the State of Missouri*, the Staff of the Commission filed a motion to open a "generic" case that would have addressed many of the technological and regulatory issues concerning VoIP that have been raised in this proceeding. However, on November 4, 2003, the Commission issued its Order Denying Motion to Open Case finding, *inter alia*: "The Commission is currently considering some of the issues raised in Staff's motion in a contested case (Case Number LA-2004-0133). It would be inefficient to examine the same issues in a 'generic' case that the Commission is considering in a specific case, and so the

Commission will deny Staff's motion." During previous discussions regarding Case No. TO-2004-0172 held during the Commission's Open Agenda Meeting of October 28, 2003, concerns were expressed by some Commissioners that, should the focus of inquiry regarding VoIP issues be placed in the instant proceeding, interested parties would have the opportunity to participate in such an inquiry.

6. Concurrent with the issuance of its Order in the TO-2004-0172 case, the Commission issued its Order Granting Applications To Intervene And Setting Prehearing Conference in this proceeding, noting that "The primary interest among the proposed intervenors concerns regulatory treatment of Voice over Internet Protocol telecommunications services." (Order at 1). As a result, the Commission has determined that this proceeding will be the forum to address important public policy issues related to the classification and regulatory treatment of VoIP services, which are of significant concern to ALLTEL. Accordingly, ALLTEL respectfully submits that good cause exists for granting its application to intervene filed after the intervention date, pursuant to 4 CSR 240-2.075(5). ALLTEL will accept the case and its current schedule as it stands, and ALLTEL will be prepared to participate at the Prehearing Conference now scheduled for November 21, 2003. No party will be prejudiced by the granting of the relief requested herein.

7. Pursuant to 4 CSR 240-2.075(2), ALLTEL states that it does not have sufficient information to state whether it supports or opposes Time Warner's Application at this time. However, it will inform the Commission of its position when more information is known regarding Time Warner's Application.

8. As a certificated provider of basic local telecommunications services in Missouri, ALLTEL's interests in this case are different from that of the general public, and those interests

may be adversely affected by a final order arising from this case. Furthermore, granting this Application to Intervene will be in the public interest because ALLTEL will bring to this proceeding its expertise in the areas being investigated and its experience as a telecommunications provider. Finally, no other party to this proceeding will adequately protect the interests of ALLTEL herein. As stated in the Commission's Order entered in this matter on November 4, "Inclusion of the proposed intervenors in an examination of VoIP can only serve to address more fully issues surrounding VoIP. Consequently, the public interest would be better served by a full examination of this service. The Commission will therefore grant intervention to the proposed intervenors." (Order at 4-5).

**WHEREFORE**, ALLTEL Missouri, Inc. respectfully requests that the Commission issue an order, for good cause shown, authorizing its intervention out of time in the above-captioned matter.

Respectfully submitted,

  
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Attorneys for ALLTEL Missouri, Inc.

**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 5<sup>th</sup> day of November, 2003, to:

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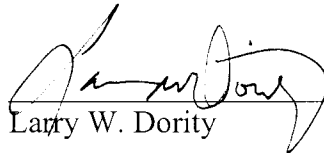
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