

NEWMAN, COMLEY & RUTH

PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELORS AT LAW
MONROE BLUFF EXECUTIVE CENTER
601 MONROE STREET, SUITE 301
P.O. BOX 537
JEFFERSON CITY, MISSOURI 65102-0537
www.ncrpc.com

TELEPHONE: (573) 634-2266
FACSIMILE: (573) 636-3306

ROBERT K. ANGSTEAD
ROBERT J. BRUNDAGE
MARK W. COMLEY
CATHLEEN A. MARTIN
STEPHEN G. NEWMAN
JOHN A. RUTH

May 25, 2004

FILED

MAY 25 2004

**Missouri Public
Service Commission**

The Honorable Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102-0360

Re: Case No. AO-2004-0036

Dear Judge Roberts:

Enclosed for filing in the referenced matter please find the original and five copies of a Unanimous Stipulation and Agreement.

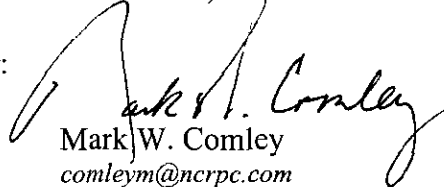
Would you please bring this filing to the attention of the appropriate Commission personnel.

Thank you.

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:


Mark W. Comley
comleym@ncrpc.com

MWC:ab
Enclosure

cc: Office of Public Counsel
William K. Haas
Brian T. McCartney
W. Thomas Dugard, Jr.

BEFORE THE PUBLIC SERVICE COMMISSION OF
THE STATE OF MISSOURI

FILED

MAY 25 2004

**Missouri Public
Service Commission**

In the Matter of the Assignment)
of the 2-1-1 Abbreviated Dialing Code) Case No. AO-2004-0036
in the State of Missouri)

UNANIMOUS STIPULATION AND AGREEMENT

Come now **HEART OF AMERICA UNITED WAY, INC.** (hereinafter "HAUW" or "Applicant"), the Office of Public Counsel (OPC), the Staff of the Missouri Public Service Commission (Staff), Green Hills Telephone Corporation, Citizens Telephone Company of Higginsville, Missouri, Cass County Telephone, Lathrop Telephone Company, and KLM Telephone Company (ILECs) and respectfully state to the Missouri Public Service Commission (Commission) that as a result of extensive negotiations, the undersigned Parties (Signatories), with the exception of the ILECs (Nonsignatories) (who do not oppose this Stipulation, as more fully described herein), have reached the following stipulations and agreements:

FOREWARD

HAUW initiated this proceeding on July 11, 2003, by filing an Application requesting a Commission order designating 2-1-1 in Missouri for access to community information and referral (I & R) and volunteer services in accordance with the Federal Communications Commission's decision in its Third Report and Order on Reconsideration released on July 31, 2000 in CC Docket 92-105. HAUW's application also seeks an order designating HAUW as the holder for the 2-1-1 number to service areas in the exchanges located in the counties of Andrew, Buchanan, Dekalb, Clinton, Caldwell, Platte, Clay, Ray, Jackson, Lafayette, Cass, Johnson, Saline, Pettis, Bates and Henry. A list of the exchanges in which HAUW seeks authority is attached as Schedule 1 to this Stipulation and Agreement.

On February 19, 2004, the ILECs filed a timely application for intervention which was granted by the Commission on March 2, 2004.

During the pendency of this case the Commission promulgated Emergency Rule 4 CSR 240-32.200. HAUW supplemented its application on March 30, 2004 to comply with the provisions of the rule. On April 20, 2004, HAUW filed in support of the application the written testimony of W. Thomas Dugard, Jr., President and CEO of Heart of America United Way. On May 18, 2004, the Staff filed the written rebuttal testimony of Bill Peters also in support of the application.

The parties have applied the standards and criteria set forth in Emergency Rule 4 CSR 240-32.200 rule in determining whether HAUW's application meets the requirements of existing law.

STIPULATION

Based upon its application, as supplemented and amended, HAUW asserts, and no party makes a contrary assertion, that there is sufficient evidence from which the Commission can find and conclude that:

a. 2-1-1

1. The 2-1-1 dialing code is a three-digit, easy to remember telephone number that, when available, connects citizens with important community services and volunteer opportunities. As a service, 2-1-1 is a comprehensive information and referral program that responds to callers' non-emergency inquiries 24 hours a day, 365 days a year. The 2-1-1 dialing code is known primarily for connecting people with health and human service referrals for every day needs. It also serves as a vital coordinating point and follow-up to organizations that provide first line response during local, regional or national emergencies or disasters. It also centralizes

the community's system for recruiting and connecting individuals who wish to volunteer their time or donate goods to non-profit organizations. Finally, a 2-1-1 service generates data important to the community's larger needs assessment and resource allocation decisions.

2. In its Third Report and Order on Reconsideration released July 31, 2000, the FCC designated the 2-1-1 number for "direct access to organizations providing community I&R (Information and Referral) services; such as housing assistance, counseling and hospice services that are not currently available through the 9-1-1 emergency code or the 3-1-1 police non-emergency code."

3. Establishing the 2-1-1 dialing code for direct access to I&R services in Missouri is in the public interest.

b. Heart of America United Way.

4. The Heart of America United Way, Inc. is a nonprofit corporation as defined in, and exempted from taxation pursuant to, 26 USCA §501(c)(3). HAUW is organized and existing under the laws of the State of Missouri and is specifically organized and operated to conduct community-wide fundraising efforts; allocate financial resources to member health and human service organizations; and connect citizens to service and volunteer opportunities

5. HAUW adheres to the Standards for Professional Information and Referral established by the Alliance of Information and Referral Systems, Incorporated, (AIRS).

6. HAUW will initiate the written application process for AIRS accreditation after approval of its application, and shall become accredited within three (3) years if not sooner.

7. HAUW will offer comprehensive services pursuant to the AIRS standards.

8. HAUW will remove or exclude human services entities from the Missouri I&R Providers' database for failure to deliver service; for commission of fraud, misrepresentation or unlawful discrimination.

9. HAUW will provide teletype (TTY) services for speech and hearing impaired individuals and multi-lingual accessibility either on-site, or through access to translators.

10. HAUW is able and willing to abide by Commission rules and regulations.

11. HAUW possesses sufficient experience, and sufficient technical, financial and managerial resources and abilities to become the I&R Provider for the telephone exchanges within the counties identified in its application..

12. Granting HAUW's request to act as the 2-1-1 provider in the exchanges identified in the application will serve the public interest

NONSIGNATORIES

13. While ILECs do not join in this Stipulation, they nevertheless state that they do not oppose the Stipulation and Agreement and do not request a hearing concerning the issues addressed by this Stipulation and Agreement.

OTHER PROVISIONS

14. The Signatories agree that the Commission should enter an order authorizing HAUW as the Missouri I&R Provider for all exchanges listed on Schedule 1 located in the following counties in Missouri: Andrew, Buchanan, Dekalb, Clinton, Caldwell, Platte, Clay, Ray, Jackson, Lafayette, Cass, Johnson, Saline, Pettis, Bates and Henry; in accord with Commission rules and applicable Missouri statutes.

15. This Stipulation has resulted from extensive negotiations among the Signatories and the terms hereof are interdependent. In the event the Commission does not adopt this Stipulation in total, then this Stipulation shall be void and no Signatory shall be bound by any of the agreements or provisions hereof. The Stipulations herein are specific to the resolution of this proceeding, and all stipulations are made without prejudice to the rights of the Signatories to take other positions in other proceedings.


16. In the event the Commission accepts the specific terms of this Stipulation, the Signatories waive, with respect to the issues resolved herein the following rights: their respective rights to present testimony and to cross examine witnesses pursuant to Section 536.070(2) RSMo.; their respective rights to present oral argument or written briefs pursuant to Section 536.080.1 RSMo.; their respective rights to the reading of the transcript by the Commission pursuant to §536.080.2, RSMo.; and their respective rights to seek rehearing pursuant to §386.500, RSMo. and to seek judicial review pursuant to §386.510, RSMo. The parties agree to cooperate with the Applicant and with each other in presenting this Stipulation for approval to the Commission and shall take no action, direct or indirect, in opposition to the request for approval of HAUW's application made herein.

17. The Staff shall file suggestions or a memorandum in support of the Stipulation and the other Signatories shall have the right to file responsive suggestions or prepared testimony. All responsive suggestions, prepared testimony or memorandum shall be subject to the terms of any Protective Order that may be entered in this case.

18. The Staff shall also have the right to provide, at any agenda meeting at which this Stipulation is noticed to be considered by the Commission, whatever oral explanation the Commission requests, provided that Staff shall, to the extent reasonably practicable, provide the

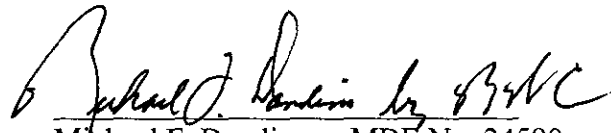
other Parties with advance notice of when the Staff shall respond to the Commission's request for such explanation once such explanation is requested from Staff. Staff's oral explanation shall be subject to public disclosure, except to the extent it refers to matters that are privileged or protected from disclosure pursuant to any Protective Order that may be issued in this case.

WHEREFORE, the Signatories respectfully request the Commission to issue its Order approving the terms of this Stipulation and issue its Order granting authority as set for herein.



Mark W. Comley MBE No. 28847
NEWMAN, COMLEY & RUTH, P.C.
601 Monroe, Suite 301
P. O. Box 537
Jefferson City, MO 65102-0537
(573) 634-2266
(573) 636-3306 (fax)
comleym@ncrpe.com

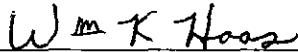
Attorneys for Heart of America United Way,
Inc.



Michael F. Dandino MBE No. 24590
Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102
(573) 751-5559
(573) 751-5562 (fax)
mdandino@mail.state.mo.us

Attorney for the Office of the Public
Counsel

DANA K. JOYCE
General Counsel



William K. Haas MBE No. 28701
Deputy General Counsel
P.O. Box 360
(573) 751-7510 (Telephone)
(573) 751-9285 (Fax)
Jefferson City, MO 65102
Attorneys for Missouri Public Service
Commission
william.haas@psc.mo.gov



W.R. England, III MBE #23975
Brian T. McCartney MBE #47788
BRYDON, SWEARENGEN & ENGLAND
P.C.
312 E. Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102-0456
573/635-7166
573/634-7431 (Facsimile)

<mailto:trip@brydonlaw.com>
<mailto:bmccartney@brydonlaw.com>

Attorneys for Green Hills Telephone
Corporation, Citizens Telephone Company
of Higginsville, Missouri, Cass County
Telephone, Lathrop Telephone Company,
and KLM Telephone Company

SCHEDULE 1 TO STIPULATION

Andrew County:

Fillmore
Bolckow
Whitesville
Rosendale
Savannah
Amazonia
Avenue City
Helena
Cosby
Union Star
King City
Graham
Barnard

Jackson County:

Kansas City
Buckner
Grain Valley
Lake Lotawana
Greenwood
Lone Jack
Oak Grove
Pleasant Hill
Wellington

Buchanan County:

St. Joseph
San Antonio
Easton
Agency
Gower
Rushville
Atchison
DeKalb
Dearborn
Edgerton

DeKalb County:

Union Star
King City
Maysville
Clarksdale
San Antonio
Stewartsville

Osborn

Cameron
Pattonsburg
Darlington

Clinton County:

San Antonio
Easton
Stewartsville
Osborn
Cameron
Gower
Edgerton
Trimble
Plattsburg
Lathrop
Holt
Lawson
Turney

Caldwell County:

Cameron
Kidder
Hamilton
Lathrop
Kingston
Polo
Cowgill
Braymer
Breckenridge
Lock Springs

Lafayette County:

Oak Grove
Wellington
Lexington
Waverly
Alma
Blackburn
Concordia
Higginsville
Odessa

Platte County:

Atchison
DeKalb
Dearborn
Weston
Camden Point
Platte City
Smithville
Farley
Leavenworth
Ferrilview
Kansas City

Clay County:

Smithville
Kearney
Holt
Excelsior Springs
Lawson
Kansas City
Missouri City

Ray County:

Lawson
Polo
Cowgill
Stet
Hardin
Henrietta
Richmond
Orrick
Excelsior Springs
Knoxville

Cass County:

Kansas City
Greenwood
Pleasant Hill
Lone Jack
Cleveland
Peculiar
Freeman
Harrisonville
East Lynne
Drexel
Archie
Garden City
Creighton
Strasburg

Johnson County:

Lone Jack
Holden
Odessa
Warrensburg
Concordia
Knob Noster
Windsor
Centerview
Leeton
Chilhowee
Blairstown
Creighton
Kingsville

Saline County:

Waverly
Malta Bend
Miami
Slater Gilliam
Blackburn
Marshall
Sweet Springs
Concordia
Houstonia
Marshall Junction
Nelson
Blackwater
Arrow Rock
Alma

Pettis County:

Sweet Springs

Concordia
Houstonia
Marshall Junction
Knob Noster
Lamonte
Sedalia
Otterville
Smithton
Cole Camp
Florence
Green Ridge
Windsor
Ionia

Bates County:

Drexel
Amsterdam
Archie
Adrian
Creighton
Urich
Appleton City
Rockville
Butler
Rich Hill
Hume
Foster
Pleasanton
Amoret

Henry County:

Creighton
Urich
Chilhowee
Leeton
Windsor
Calhoun
Coal
Warsaw
Lowry City
Deepwater
Montrose
Appleton City
Clinton