

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

In the Matter of a Request for the modification	)	
Of the Springfield Metropolitan Calling Area	)	
Plan to Make the Ozark Exchange a Mandatory	)	<b><u>Case No. TO-2005-0143</u></b>
MCA Tier 1 Exchange.	)	

**CENTURYTEL OF MISSOURI, LLC’S RESPONSE IN OPPOSITION TO  
THE OFFICE OF THE PUBLIC COUNSEL’S FINAL RECOMMENDATION**

**COMES NOW** CenturyTel of Missouri, LLC (“CenturyTel”)<sup>1</sup>, pursuant to the Commission’s Order Directing Filing entered in this matter on December 28, 2005, and for its Response in Opposition to the Office of the Public Counsel’s Final Recommendation respectfully states as follows:

1. On January 17, 2006, the Office of the Public Counsel (“OPC”) filed its Final Recommendation in this proceeding, suggesting that such filing would be “the best way to proceed to a final resolution of this case . . .”<sup>2</sup> OPC noted that it has engaged in continuing discussions with CenturyTel and has requested (and has been granted) additional time to explore this MCA reclassification and possible alternatives. OPC also acknowledges that the “parties can still discuss alternatives as the case moves forward.”<sup>3</sup>

2. OPC’s Final Recommendation essentially calls for the modification of the Springfield MCA to reclassify the Ozark exchange to a mandatory Tier 1 exchange. The

---

<sup>1</sup> As noted in the joint application to intervene filed on behalf of CenturyTel and Spectra Communications Group, LLC d/b/a CenturyTel (“Spectra”) in this proceeding, CenturyTel provides local telecommunications service in the Ozark exchange, which is the subject targeted exchange in this proceeding. Spectra provides local exchange telecommunications service in exchanges adjacent to some of the local exchanges currently included in the Springfield MCA Plan. While not directly impacted by the OPC’s Final Recommendation as filed herein, Spectra concurs in and supports CenturyTel’s Response in Opposition.

<sup>2</sup> Final Recommendation, page 1.

<sup>3</sup> *Id.*

Final Recommendation states that “the price for MCA in the Ozark exchange would be priced the same as other Tier 1 exchanges (\$12.50 residential and \$36.95 business and includes local service)”; however, CenturyTel understands that the existing Springfield MCA pricing is \$11.22 residential and \$27.53 business (both include local service) in the Tier 1 exchanges. Subscription would be mandatory and a bill and keep inter-company compensation method would apply.

3. The parties initially agreed to follow a procedure for addressing this expanded calling proceeding consistent with the Task Force Report in Case No. TO-2004-0471, *In the Matter of a Commission Inquiry into the Metropolitan Calling Area Plan and Calling Scopes in Missouri*. In its Final Recommendation, OPC “asks that the Commission request the carriers to submit statements of revenue and expense impacts as well as revenue neutrality requirements related to the proposal to the PSC within ninety days after the PSC’s request.” Finally, OPC “asks the Commission to schedule public hearings and hold an evidentiary hearing on the proposed MCA modification.” (Final Recommendation at 2).

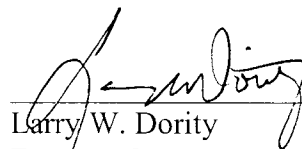
4. CenturyTel is committed to continuing its collaborative efforts with OPC to address the issues presented herein. Indeed, CenturyTel believes that alternative solutions can and should be considered in this matter. However, in its Order Directing Filing, the Commission ordered that any party may file a response to the Office of the Public Counsel’s final recommendation or status report no later than January 30, 2006. Accordingly, CenturyTel submits its response in opposition to the OPC’s Final Recommendation and states that it would be unlawful for the Commission to modify or alter the existing Springfield MCA plan as proposed by OPC. First, such action would be

an unlawful taking of property in violation of CenturyTel's due process rights, as guaranteed by Article I, Section 10, of the Missouri Constitution. Second, such action would violate Section 392.200.9, RSMo. 2000. Third, such action would violate Section 392.245.11. Fourth, such action would be inconsistent with Missouri case law, which uniformly holds the Commission's authority to regulate does not include the right to dictate the manner in which the company shall conduct its business.

5. If contrary to CenturyTel's position, the Commission determines that it has the authority to proceed, CenturyTel would support OPC's suggested procedure that the Commission request carriers to submit statements of revenue and expense impacts as well as revenue neutrality requirements related to its proposal to the PSC within ninety days after the PSC's request. Thereafter, a public hearing and an evidentiary hearing should be scheduled.

WHEREFORE, CenturyTel of Missouri, LLC respectfully submits its Response in Opposition to the Office of the Public Counsel's Final Recommendation.

Respectfully submitted,



#25617

Larry W. Dority  
FISCHER & DORITY, P.C.  
101 Madison, Suite 400  
Jefferson City, MO 65101  
Telephone: (573) 636-6758  
Fax: (573) 636-0383  
Email: [lw\\_dority@sprintmail.com](mailto:lw_dority@sprintmail.com)

Attorneys for:  
CenturyTel of Missouri, LLC

## CERTIFICATE OF SERVICE

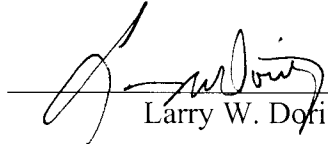
I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered, transmitted by e-mail or mailed, First Class, postage prepaid, this 30th day of January, 2006, to:

Michael Dandino  
Office of the Public Counsel  
P.O. Box 7800  
Jefferson City MO 65102

Kevin Thompson  
General Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City MO 65102

Craig Johnson  
1648-A East Elm St.  
Jefferson City, MO 65101

Paul Lane  
Leo Bub  
Mimi MacDonald  
Southwestern Bell Telephone Company  
One Bell Center, Room 3520  
St. Louis, MO 63101



---

Larry W. Dority