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February 28, 2003

Missouri Public Service Commission  
Attn: Secretary of the Commission  
200 Madison Street, Suite 100  
P. O. Box 360  
Jefferson City, MO 65102-0360

FILED<sup>3</sup>

FEB 28 2003

Missouri Public  
Service Commission

RE: Case No. CO-2003-0094  
**The Pager Company dba The Pager & Phone Company's Application for  
Designation as an Eligible Telecommunications Carrier for Universal  
Service Fund Support**

Dear Secretary:

Enclosed please find an original and five copies of a **STIPULATION AND AGREEMENT** for filing with the Commission on behalf of the parties to the above-referenced case.

Thank you for assistance in the processing this filing. Copies are being served on the Commission's General Counsel and Office of the Public Counsel. Please contact me at 634-8109 if there are any questions.

Sincerely,

  
Mary Ann (Garr) Young

Enclosure

cc: General Counsel, Marc Poston  
Office of the Public Counsel, Mike Dandino  
Chris Malish, Foster & Malish  
Dale Schmick, PagerCo

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

**FILED<sup>3</sup>**

FEB 28 2003

Missouri Public  
Service Commission

In the matter of the Application of The )  
Pager Company dba The Pager & Phone )  
Company for Designation as a )  
Telecommunications Carrier Eligible for )  
Federal Universal Service Support )  
pursuant to Section 254 of the )  
Telecommunications Act of 1996 )

Case No. CO-2003-0094

**STIPULATION AND AGREEMENT**

Come now The Pager Company dba The Pager & Phone Company ("PagerCo"), the Staff of the Missouri Public Service Commission (Staff), and the Office of the Public Counsel (Public Counsel), constituting all the parties to this case (Parties), by and through undersigned counsel, and hereby file their Stipulation and Agreement in the above-referenced case. In support hereof, the Parties state as follows:

1. On September 6, 2002, PagerCo filed its Application for Designation as a Telecommunications Carrier Eligible for Universal Service Support Pursuant to Section 254 of the Telecommunications Act of 1996 (ETC Application). PagerCo filed an Amended Application on November 8, 2002, and supplemented the Amended Application on December 19, 2002, and January 14, 2003. Public Counsel filed a Motion for Evidentiary Hearing on October 16, 2002. The Small Telephone Company Group (STCG) filed its application for intervention on December 26, 2002; the Commission denied the STCG's application for intervention on January 28, 2003. Staff filed its recommendation that the Commission grant PagerCo ETC designation on January 16, 2003.

2. The Commission issued its Order Setting Prehearing Conference and Requiring Filing of Procedural Schedule on January 28, 2003, setting this matter for a prehearing conference on February 13, 2002. The prehearing conference was convened as scheduled with all parties present, and the parties have reached a Stipulation and Agreement in resolution of this matter, the terms of which are described below. This Stipulation and Agreement is jointly submitted by the Parties in lieu of a proposed procedural schedule.

3. The area in which PagerCo sought ETC designation is limited to the following exchanges, all of which are served by Southwestern Bell Telephone Company (SWBT), which is a non-rural telecommunications company for purposes of universal service fund high-cost support, and none of which are served by a rural telephone company for purposes of high-cost support.

Ash Grove	Grain Valley	Smithville
Camdenton	Harrisonville	Springfield MCA
Carl Junction	Kansas City MCA Metro	St. Joseph
Clever	Richmond	
Excelsior Springs	Sedalia	

The Parties stipulate that PagerCo should be designated an ETC for those exchanges only.

4. PagerCo sought ETC designation for purposes of Lifeline and Linkup services only. Staff recommended that the Commission grant ETC designation without limitation to Lifeline and Linkup, because Section 214 of the Telecommunications Act of 1996 provides simply for ETC designation for universal service support. PagerCo agrees that it would be appropriate for the Commission to authorize a simple unrestricted ETC designation.

5. PagerCo currently offers the following services supported by federal universal service support mechanisms under Section 254(c) of the Act:

- Voice grade access to the public switched network
- Local usage
- Dual tone multi-frequency signaling or its functional equivalent

- Single-party service or its functional equivalent
- Access to emergency services
- Access to operator services\*
- Access to interexchange service\*
- Access to directory assistance\*
- Toll limitation for qualifying low-income consumers\*

PagerCo currently serves lifeline customers only on a resold services basis, reselling Southwestern Bell Telephone Company's lifeline services. The services marked with an "\*" in the list above are provided only to customers subscribing to PagerCo's PhonePLUS UNE-P based service, which by its terms is currently not available to lifeline service customers. However, as stated below, PagerCo agrees that immediately upon ETC designation it will file revisions to remove the language which contains this restriction from its CLEC tariff and will offer to transition current lifeline customers to its PhonePLUS UNE-P based service without assessing a charge for the change in service. This transition will result in all eligible lifeline customers having access to all supported services. PhonePLUS service has been available to non-lifeline customers since the revisions to PagerCo's CLEC tariff adding PhonePLUS service took effect on February 3, 2003, and PagerCo is currently serving non-lifeline PhonePLUS customers. Thus, PagerCo has shown its ability to provide the services required for ETC designation immediately upon designation.

6. The Act also requires that the carrier must advertise the availability of the required services and the charges therefor using media of general distribution. PagerCo submitted representative samples of its television advertising and invoices for that advertising as Exhibits B and C to its Amended Application. PagerCo commits to continue such advertising for lifeline and linkup services upon ETC designation.

7. For purposes of resolution of this case, PagerCo agrees to the following conditions:

- A. That upon ETC designation, PagerCo will file tariff revisions to its basic local tariff (MO P.S.C. No. 1) to remove the language which precludes lifeline customers from subscribing to PagerCo's UNE-P based service, PhonePLUS Prepaid Service.
- B. That upon ETC designation PagerCo will offer to transition all current lifeline customers (lifeline customers currently subscribing to its resale-based service, "Basic Prepaid Service") from "Basic Prepaid Service" to PhonePlus and will not charge customers for the change.
- C. That at such time that PagerCo has no customers subscribing to resale-based service, it will file tariff revisions which will remove resale-based service from its basic local tariff (MO P.S.C. No. 1).
- D. That it will advertise the availability of lifeline service throughout the exchanges in which ETC designation is obtained using media of general distribution. This advertising will be similar in quantity and content to the advertisements filed as Exhibits B and C to the Amended Application filed herein.
- E. That it will provide to all eligible lifeline and linkup customers reductions for lifeline and linkup services equal to the federal support received by PagerCo for such services.

8. Staff shall file suggestions or a memorandum in support of this Stipulation and agreement and the other Parties shall have the right to file responsive suggestions or prepared testimony.

9. Staff shall also have the right to provide, at any agenda meeting at which this Stipulation and Agreement 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 that it refers to matters that are privileged or protected from disclosure pursuant to any protective order issued in this case.

10. The provisions of this Stipulation have resulted from negotiations among the signatories and are interdependent. In the event the Commission does not approve and adopt the terms of this Stipulation in total, it shall be void and no party hereto shall be bound, prejudiced, or in any way affected by any of the stipulations, agreements or provisions hereof. The stipulations, agreements and provisions herein are specific to the resolution of this proceeding, and are all made without prejudice to the rights of the parties to take other positions in other proceedings.

11. If the Commission does not unconditionally approve this Agreement without modification, and notwithstanding its provision that it shall become void thereon, neither this Agreement, nor any matters associated with its consideration by the Commission, shall be considered or argued to be a waiver of the rights that any party has to a hearing on the issues presented by the Agreement, for cross-examination, or for a decision in accordance with Section 536.080 RSMo 2000 or Article V, Section 18 of the Missouri Constitution, and the parties shall retain all procedural and due process rights as fully as though this Agreement had not been presented for approval, and any suggestions or memoranda, testimony or exhibits that have been offered or received in support of this Agreement shall thereupon become privileged as reflecting the substantive content of settlement discussions and shall be stricken from and not be considered as part of the administrative or evidentiary record before the Commission for any further purpose whatsoever.


12. In the event the Commission accepts the specific terms of the Agreement, the signatories waive their respective rights to call, examine and cross-examine witnesses, pursuant to Section 536.070(2) RSMo 2000; their respective rights to present oral argument and written briefs pursuant to Section 536.080.1 RSMo 2000; their respective rights to the reading of the

transcript by the Commission pursuant to Section 536.080.2 RSMo 2000; their respective rights to seek rehearing, pursuant to Section 386.500 RSMo 2000; and their respective rights to judicial review pursuant to Section 386.510 RSMo 2000. This waiver applies only to a Commission Report And Order respecting this Agreement issued in this proceeding, and does not apply to any matters raised in any subsequent Commission proceeding, or any matters not explicitly addressed by this Agreement.

WHEREFORE, the undersigned Parties submit this Stipulation and Agreement and respectfully request the Commission to approve ETC designation for PagerCo in the exchanges listed herein, pursuant to the stipulations and conditions set out herein.

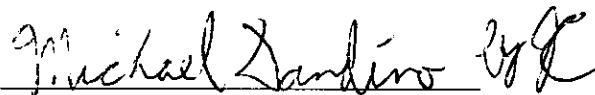
**Respectfully submitted,**

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dba The Pager & Phone Company

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For the Office of the Public Counsel

DANA K. JOYCE  
General Counsel

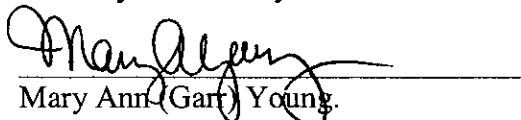


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For the Staff of the  
Missouri Public Service Commission

### CERTIFICATE OF SERVICE

I hereby certify that a copy of this document has been hand delivered or mailed by first class mail, postage prepaid to the Office of Public Counsel and the General Counsel of the Missouri Public Service Commission on this 28th day of February 2003.



Mary Ann (Garf) Young.