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September 8, 1987

*Bee*

Mr. Harvey Hubbs  
Public Service Commission  
Truman State Office Building  
Jefferson City, Missouri 65101

Dear Mr. Hubbs:

On behalf of Bourbeuse Telephone Company I enclose for filing an original and fourteen (14) copies of an Application for Restatement of Certificate of Public Convenience and Necessity. Would you please bring this filing to the attention of the appropriate Commission personnel.

Two copies of the enclosed have been served on the Office of the Public Counsel this date. I have also enclosed an additional copy which I request you stamp "filed" and return to me.

Thank you for your assistance in this matter.

Sincerely,

HAWKINS, BRYDON & SWEARENGEN P.C.

BY:

*Paul A. Boudreau*  
Paul A. Boudreau

PAD/rdg

Enclosures

cc: Office of Public Counsel  
Mr. Terry Troughton

FILED

SEP 8 1987

PUBLIC SERVICE COMMISSION

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the Matter of Bourbeuse Telephone )  
Company for a Restatement of its )  
Certificate of Public Convenience and )  
Necessity )

Case No.

TA-88-82

A P P L I C A T I O N

Comes now Bourbeuse Telephone Company (Applicant) and for its Application to the Missouri Public Service Commission (Commission) for a restatement of Applicant's certificate of public convenience and necessity states as follows:

1. Applicant is a corporation duly authorized and existing under the laws of the State of Missouri. Applicant's principal office and place of business is located at 64 North Clark, Sullivan, Missouri 63080. Applicant currently owns and operates telephone lines within the State of Missouri, over which it conducts the business of affording telephone communication for hire. Applicant is, therefore, a "telephone corporation", and a "public utility" as those terms are defined by §386.020 RSMo 1986. As such, Applicant is subject to the supervision, regulation and jurisdiction of the Commission.

2. Correspondence and other communication with respect to this Application should be directed to the following:

Mr. Terry Troughton  
Bourbeuse Telephone Company  
64 North Clark  
Sullivan, Missouri 63080

**FILED**

SEP 8 1987

PUBLIC SERVICE COMMISSION

W. R. England, III  
HAWKINS, BRYDON & SWEARENGEN P.C.  
312 East Capitol  
P. O. Box 456  
Jefferson City, Missouri 65101

3. On September 28, 1987, substantial and far reaching changes in the law which regulates telephone companies in this state (i.e. Chapters 386 and 392, RSMo, 1986) will become effective (see Conference Committee Substitute for Senate Committee Substitute for House Bill No. 360, 84th General Assembly). One aspect of the existing law which has undergone substantial change is the process by which telephone companies obtain certificates of public convenience and necessity or certificates of service authority. "Old" Section 392.260, RSMo 1986, has been repealed and in its place "new" Sections 392.410, .420, .430, .440 and .450 have been enacted. "New" Section 392.410.1 specifically provides that, "no telecommunications company not exempt from this subsection shall transact any business in this state until it shall have obtained a certificate of service authority from the Commission pursuant to the provisions of this Chapter . . ." "New" Section 392.410.1 also provides an exemption from the foregoing prohibition for those telephone companies who possess "a certificate of public convenience and necessity from the Commission at the time the section goes into effect" or who hold "a state charter issued in or prior to the year 1913, which charter authorizes a company to engage in the telephone business." In addition "new" Section 392.410.4 provides that "[a]ny certificate of public convenience

and necessity granted by the Commission to a telecommunications company prior to the effective date of this section shall remain in full force and effect unless modified by the Commission, and such companies need not apply for a certificate of service authority in order to continue offering or providing service to the extent authorized in such certificate of public convenience and necessity".

4. Applicant currently possesses a certificate(s) of public convenience and necessity and/or state charter(s) (hereinafter "certificate/charter") and would, therefore, appear to be exempt from the requirements of "new" Section 392.410. Applicant also is currently rendering telephone service to the public in the state of Missouri as more specifically delineated by its tariffs and the exchange boundary maps contained therein which are on file with and approved by the Commission. The exchange boundary maps contained in Applicant's tariffs may be found on the pages specified in Exhibit A which is attached hereto and incorporated herein by reference. However, the areas which Applicant serves pursuant to its exchange boundary maps may not be consistent with Applicant's original certificate/charter for a number of reasons. For example, Applicant's original certificate/charter may not accurately describe the area it currently serves because: (1) Applicant's original charter was imprecise in its description of the "certificated area" (e.g. state charters are nothing more than certificates of incorporation and, in most instances, state generally that Applicant was

incorporated for the business of rendering telephone service within the state) or (2) Applicant's original certificate was imprecise in its description of the certificated area as it was not the Commission's practice to establish certificated areas by metes and bounds but merely to identify said areas as "in and around a community", or by use of other similarly vague descriptions. In addition, Applicant may have obtained its certificate/charter through the merger or acquisition of other telephone companies and it is unclear whether these certificates/charters, acquired in the name of another company, are valid for purposes of the grandfather provision in "new" Sections 392.410.1 and .4. Finally, most, if not all, certificates/charters were issued many years ago when the state was not nearly as populated as it is today. In an attempt to provide comprehensive service to virtually all areas within the state, telephone companies, such as Applicant, may have expanded upon its original certificated areas through changes in their exchange boundary maps. Not only have these boundary map revisions been approved by the Commission but, in some cases, they often have been made at the urging of the Commission.

5. Applicant therefore seeks, prior to September 28, 1987, (when "new" Section 392.410 becomes law), a restatement of its existing authority so that said authority will accurately reflect and include the areas Applicant is currently serving. In addition, Applicant requests that its "restated" certificate acknowledge the fact that future revisions may be made to

Applicant's exchange boundary maps and that, as those revisions are made and approved by the Commission, Applicant's certificate will be automatically revised accordingly.

6. Applicant states that it is not seeking a new certificate since Applicant does not seek to change any authority it currently exercises pursuant to lawfully filed and approved tariffs. Applicant merely seeks an acknowledgement and recognition by the Commission that Applicant's present operations are, in fact, consistent with its existing certificate/charter and that it will not be necessary for Applicant to file a request for a certificate of service authority pursuant to "new" Sections 392.410 et seq. in order to continue to provide telephone service to the areas it presently serves.

WHEREFORE, Applicant respectfully requests the Commission to issue its Order, prior to September 28, 1987, restating Applicant's existing certificate to reflect the fact that Applicant is authorized to provide telephone service to the public located within those areas as defined by Applicant's existing exchange boundary maps and within those areas that, as a result of lawfully approved revisions in exchange boundary maps, may be redefined in the future.

Respectfully submitted,

  
\_\_\_\_\_  
W. R. England, III  
Paul A. Boudreau  
HAWKINS, BRYDON & SWEARENGEN P.C.  
312 East Capitol  
Jefferson City, Missouri 65101  
(314) 635-7166  
ATTORNEYS FOR APPLICANT

EXHIBIT A

EXCHANGE

PSC NO.

SECTION

SHEET NO.

Gerald

5

4th Revised 7

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the Matter of Bourbeuse Telephone     )  
Company for a Restatement of its         )  
Certificate of Public Convenience and     ) Case No. \_\_\_\_\_  
Necessity                                     )

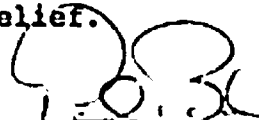
A F F I D A V I T

STATE OF MISSOURI     )  
                              )SS.  
COUNTY OF COLE        )

I, Paul A. Boudreau, of lawful age, being duly sworn, state  
as follows:

1. I am an attorney licensed to practice law in the State  
of Missouri, an attorney of record for Bourbeuse Telephone  
Company in the foregoing application and authorized to execute  
this document on behalf of Bourbeuse Telephone Company.

2. I have read the foregoing Application and the matters  
set forth therein are true and correct according to the best of  
my knowledge, information and belief.

  
\_\_\_\_\_  
PAUL A. BOUDREAU

Subscribed and sworn to before me this 8th day of  
September, 1987.

  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

July 28, 1990

SHARON S. WILES  
NOTARY PUBLIC, STATE OF MISSOURI  
COUNTY OF CALLAWAY  
My Commission Expires July 28, 1990