

**BEFORE THE  
MISSOURI PUBLIC SERVICE COMMISSION**

In the Matter of the Application of	)	
MCC Telephony of Missouri, Inc.	)	Case No. TE-2006-0415
For a Waiver of Compliance with	)	
The Requirement of 4 CSR 240-240-32	)	

**Application to Intervene  
In Opposition to Waiver**

Comes now the Missouri Independent Telephone Company Group (“MITG”), comprised of Alma Communications Company d/b/a Alma Telephone Company, Chariton Valley Telephone Corporation, Choctaw Telephone Company, Otelco )Mid-Missouri Telephone Company, MoKan DIAL, Inc., and Northeast Missouri Rural Telephone Company, for its Application to Intervene in Opposition to MCC’s Request for Waiver, and states as follows:

1. The MITG is comprised of six small rural incumbent local exchange companies, who are also classified as Rural Telephone Companies under the Telecommunications Act of 1996. MITG members provide local, basic local, and exchange access services.

2. The MITG companies are subject to the regulatory supervision of the Missouri Public Service Commission.

3. Copies of all filings in this docket should be directed to the MITG by serving:

Craig S. Johnson  
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4. This case was created as a result of MCC's April 25, 2006 Application for Waiver of the requirement of 4 CSR 240-32.080 (5) (A) (1), which requires all certificated LECs to see that, at a minimum, ninety percent of all local service orders are successfully installed and service turned up within five working days after the customer orders service.

5. The MITG concurs in, and incorporates by reference as if separately set forth herein, the reasons as to why MCC has not complied with the pleading requirements for waiver requests, as set forth in the April 25, 2006 Office Public Counsel's Objection and Opposition to Application for Waiver. The MITG joins in the objection, and requests that the Application be dismissed for failure to comply with Commission rules.

6. The MITG disagrees with MCC's claimed justification for waiver, i.e. that the two-step process of an MCC premises visit and then Sprint to provide network interconnection, is "beyond the control" of MCC. The negotiation of any agreement with Sprint could and have addressed and required Sprint to cooperate in assuring compliance with this rule.

7. To the extent that MCC provides basic local service via Voice Over Internet Protocol (VOIP), the MITG assumes that MCC, in providing such service under its Missouri Certificate of Authority to Provide basic local service, has waived any right to claim that such service is an unregulated information service.

8. To the extent that MCC provides VOIP service, and has contracted with Sprint via an interconnection agreement with which to terminate VOIP calls over the

public switched telephone network to terminating LECs such as the MITG companies, the MITG objects to that being a lawful or proper subject matter for provisioning by an interconnection agreement with Sprint, as opposed to interconnection agreements with the terminating LECs.

9. MCC, as a VOIP provider, should not be allowed the benefits of certification to provide basic local service without being charged with the same obligations of other certificated LECs in providing such service, including the provisions of 4 CSR 240-32.080 (5) (A) (1).

10. As set forth above, the interests of the MITG are different from those of the general public.

11. The MITG has expertise, insights, and analysis which may assist the Commission in understanding the impacts of the issues raised by the tariffs here at issue.

12. Granting this intervention application is in the public interest.

WHEREFORE, on the basis of the foregoing, the MITG respectfully requests that this application to intervene and participate as a party be granted.

/s/ Craig S. Johnson  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this pleading was electronically mailed to the following attorneys of record in this proceeding this 1<sup>st</sup> day of May, 2006:

Mark W. Comley  
Michael Dandino

/s/ Craig S. Johnson  
Craig S. Johnson