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**June 10, 2002**

Secretary of PSC  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

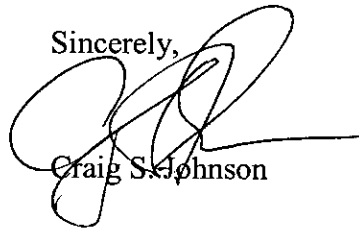
**Re: XA-2002-1079**

Dear Secretary Roberts:

Enclosed for filing please find an original and eight (8) copies of the MITG's Application to Intervene. A copy of this letter and a copy of the enclosed Application has been served upon Carl Lumley, Counsel for ICG, Daniel Joyce, Staff. and General Counsel and Michael Dandino, for the Office of Public Counsel.

Thank you for seeing this filed.

Sincerely,



Craig S. Johnson

CSJ:sw

Encl.

Cc: Carl Lumley  
Daniel Joyce  
Michael Dandino  
Sondra Morgan  
MITG Managers

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**BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION**

In the Matter of the Application of	)	
ICG Telecom Group, Inc.	)	
to Expand Its Certificates of Service	)	Case No. XA-2002-1079
Authority to include provisions of Local	)	
Exchange Telecommunications Service	)	
Statewide and to Continue to Classify	)	
the Company and	)	
Its Services as Competitive.	)	

**APPLICATION TO INTERVENE**

COMES NOW the Missouri Independent Telephone Company Group (MITG), consisting of Alma Telephone Company, Chariton Valley Telephone Corporation, Choctaw Telephone Company, Mid-Missouri Telephone Company, Modern Telecommunication Company, Mo-Kan Dial Inc., and Northeast Missouri Rural Telephone Company, pursuant to 4 CSR 240-2.075 and the Commission's May 28, 2002 Notice of Applications, and presents this Application to Intervene:

1. ICG asserts that it presently is certificated to provide nonswitched local exchange telecommunications service limited to private line service within the entire the State of Missouri.

2. In its Application, ICG asked for expansion of its local telecommunications services certificate to provide "switched non-basic local" in the service areas of small companies such at the MITG small Incumbent Local Exchange Companies. ICG states that it has local customers which include internet service providers for which ICG has a contractual commitment to deploy points of presence.

3. Traditionally, in the MITG's experience, the Missouri Public Service Commission has issued only two types of local telecommunications service certificates of authority: (1) basic local telecommunications service and (2) dedicated private line service. The MITG is unaware of any third category of "switched non-basic local". As ICG has requested "switched non-basic

local in the service areas of the MITG companies, the MITG companies are interested in exactly what type of service authority such a certificate would impart to ICG.

4. ICG's request for "switched non-basic local" authority in the service areas of the MITG companies makes the interest of the MITG companies in ICG's Application different from that of the general public, for which reason intervention allowing the MITG's participation in this docket would serve the public interest.

5. The MITG Companies are Small Rural Incumbent Local Exchange Companies entitled to the rural exemption under §251(f) of the Telecommunications Act of 1996. At this time, because the MITG is uncertain of the distinctions concerning and resulting from "switched non-basic local as compared to traditional basic local or unswitched local service, the MITG is unable to state at this time if it opposes the certification requested. Traditionally, the MITG has viewed that only requests for basic local telecommunications service authority were of the nature that would trigger consideration of continuation, suspension, or modification of their rural exemption. However, the possibility of a new type of "switched non-basic local" creates uncertainties, concerns, and issues.

6. Basic local telecommunication service is defined by 386.020(4) RSMo. as **two way switched voice service within a local calling scope** as determined by the Commission comprised of any eight (8) services set forth in subparagraphs a through h of 386.020(4).

7. Local exchange telecommunication service is simply defined by 386.020(31) as telecommunication **service between points within an exchange**.

8. The questions, concerns, and potential issues of the MITG, as raised by the terms of ICG's request to obtain "switched non-basic local" authority include the following;

- a. Does "switched" for purposes of 386.020 include "packet" switched as well as traditional "circuit switched" calls?

- b. Would switched non-basic local include digitized voice calls, or would it be limited to data that excludes digitized voice calls?
- c. Would switched non-basic local include packet-switched voice over the internet calls?
- d. Would switched non-basic local be confined only to calls within an exchange?
- e. Would the transmission of traffic to an ISP customer of ICG be a call within an exchange?
- f. How could any distinctions between data and voice, and the limit of basic local to intraexchange traffic, for traditional ICG customers and for ICG ISP customers, be enforced?
- g. Would the provision of switched non-basic local entitle ICG to MoUSF funds?
- h. Would the provision of switched non-basic local entitle ICG to eligible carrier status for the purposes of obtaining Federal Universal Support?
- i. Would the provision of switched non-basic local obligate ICG to provide those services defined as essential local telecommunications services?
- j. Why wouldn't traditional local private line service from the ILEC to ICG satisfy ICG's needs without the creation of a new category of "switched non-basic local" service?
- k. Would such certification requests trigger consideration of small rural ILEC rural exemptions, or suspensions or modifications thereof?

WHEREFORE, on the basis of the foregoing, the MITG respectfully requests that its member companies be allowed to intervene and protect their interests in this proceeding, as set forth above.

**ANDERECK, EVANS, MILNE,  
PEACE & JOHNSON, L.L.C.**

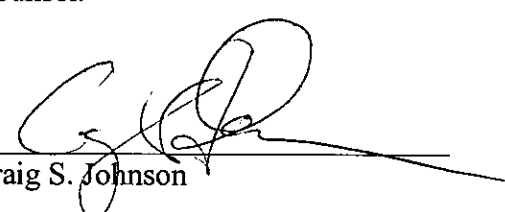
By 

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**ATTORNEYS FOR MITG COMPANIES**

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that a true and accurate copy of the foregoing was mailed, U.S. Mail, postage pre-paid, this 10 day of June, 2002, to counsel for ICG, Staff General Counsel, and to Office of the Public Counsel.

  
Craig S. Johnson