

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

In the Matter of the Joint Application of)
CenturyTel of Missouri, LLC and)
Spectra Communications Group, LLC d/b/a)
CenturyTel for Variance of the Forty-Five)
Day Notice Requirement of)
Section 392.245.4(2), RSMo 2000.)
Case No. _____

**JOINT APPLICATION FOR VARIANCE
AND
MOTION FOR EXPEDITED TREATMENT**

COME NOW CenturyTel of Missouri, LLC (“CenturyTel”) and Spectra Communications Group, LLC d/b/a CenturyTel (“Spectra”) (collectively referred to herein as “Applicants”), pursuant to 4 CSR 240-3.015 and 4 CSR 240-2.080(16), and for their Joint Application for Variance of the Forty-Five Day Notice Requirement of Section 392.245.4(2), RSMo 2000 and Motion for Expedited Treatment, respectfully state as follows:

1. CenturyTel is a Louisiana Limited Liability Company authorized to do business in Missouri as evidenced by the certificate of authority issued by the Missouri Secretary of State which was filed in Case No. TM-2002-232 and incorporated herein by reference. On August 30, 2002, CenturyTel purchased the local exchange property of GTE Midwest Incorporated d/b/a Verizon Midwest, pursuant to the Commission's *Report & Order* in Case No. TM-2002-232 issued on May 21, 2002. In Case No. TM-2002-232, the Commission authorized CenturyTel to provide basic local and interexchange telecommunications services in Missouri.

2. Spectra is a Delaware Limited Liability Company authorized to do business in Missouri as evidenced by the certificate of authority issued by the Missouri Secretary of State which was filed in Case No. TM-2000-182 and incorporated herein by reference. Spectra operates in Missouri using the fictitious name of "CenturyTel," pursuant to the registration of fictitious name filed in Case No. TO-2001-437 and incorporated herein by reference. Spectra provides basic local exchange and intrastate interexchange telecommunications services in Missouri pursuant to certificates of service authority issued by this Commission.

3. Applicants are "telecommunications companies" and "public utilities" as those terms are defined by Section 386.020, RSMo. 2000 and are therefore subject to the jurisdiction and regulation of the Commission as provided by law. Additionally, Applicants are subject to "price cap regulation" as that term is used in Section 392.245, RSMo 2000.

4. All communications, correspondence, pleadings, orders and decisions regarding this proceeding should be directed to:

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5. Applicants have no pending action or final unsatisfied judgments or decisions against them from any state or federal agency or court which involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of the application.¹ Applicants do not have any annual report or assessment fees which are overdue.

6. Section 392.245.4(2), RSMo provides:

The commission shall approve a change to a maximum allowable price filed pursuant to paragraph (a) of subdivision (1) of this subsection within forty-five days of filing of notice by the local exchange telecommunications company. An incumbent local exchange telecommunications company shall file a tariff to reduce the rates charged for any service in any case in which the current rate exceeds the maximum allowable price established under this subsection.

Subsection 392.245.4(1)(a), referenced above, provides, *inter alia*:

Thereafter, the maximum allowable prices for exchange access and basic local telecommunications services of an incumbent local exchange telecommunications company shall be annually changed by one of the following methods:

(a) By the change in the telephone service component of the Consumer Price Index (CPI-TS), as published by the United States Department of Commerce or its successor agency for the preceding twelve months; or . . .

7. Previously, Applicants have effectuated the above-referenced annual changes to the maximum allowable prices for exchange access and basic local telecommunications services on a September 1, twelve-month basis. Accordingly, the forty-five day notice and tariff filings with the Commission were made on or about July 15 of the applicable year.²

¹ Case No. 04CV325755, CD Telecommunications LLC v. CenturyTel of Missouri, LLC, involving a dispute concerning interconnection services, is pending in the Circuit Court of Cole County, Missouri.

² Applicants also have included changes to maximum allowable prices for nonbasic telecommunications services, pursuant to Section 392.245.11, as a part of their annual price cap filings, and Applicants intend to make such filings on August 1, 2005, in accordance with the relief requested herein.

8. Currently, CenturyTel is involved in continued discussions with the Office of the Public Counsel (“OPC”) and the Staff of the Commission (“Staff”) concerning the pending proceeding styled *In the Matter of the Request from Customers in the Rockaway Beach Exchange for an Expanded Calling Scope to Make Toll-Free Calls to Branson*, Case No. TO-2003-0257³, and those discussions include the implications of different scenarios related to the price cap rate changes discussed above. Similarly, Spectra currently is involved in discussions with OPC and Staff concerning specific rate design proposals to effectuate its annual price cap rate changes.

9. In order to continue these discussions and to provide the opportunities to develop proposals concerning such issues, Applicants respectfully request a variance from the above-referenced forty-five day notice/tariff filing requirement, to thirty (30) days, that would provide Applicants an extension until August 1, 2005 for such filings. Applicants would specifically point out that their respective tariff filings would still contain September 1, 2005 effective dates, so there will be no delay in the implementation of the annual change contemplated by the statute and, accordingly, no prejudice will result.

10. In support of their Motion for Expedited Treatment, Applicants respectfully request that the Commission act by its July 14, 2005 Agenda Meeting, and that this matter be placed on said Agenda for good cause. By acting prior to the July 15, 2005 date, Applicants will be able to continue discussions with the OPC and Staff regarding the issues set forth herein, and avoid the filing of notice/tariffs otherwise required on that date. Granting expedited treatment as requested herein will have no negative effect on the Applicants’ customers or the general public; as noted above,

³ See, Status Update filed in Case No. TO-2003-0257, June 30, 2005.

Applicants intend to effectuate the annual changes on the typical September 1 basis. Whereas the parties have continued discussions regarding these matters and determined yesterday that further discussions are necessary and warranted prior to notice/tariffs being filed, this Joint Application for Variance was filed as soon as it could have been.

11. Applicants are authorized to state in this pleading that both the Office of the Public Counsel and the Staff of the Commission support the relief requested herein.

WHEREFORE, CenturyTel of Missouri, LLC and Spectra Communications Group, LLC d/b/a CenturyTel respectfully request that the Commission issue an Order granting the Applicants a variance from the above-referenced forty-five day notice/tariff filing requirement set forth in Section 392.245.4(2), to thirty (30) days, that would provide Applicants an extension until August 1, 2005 for such filings; and that the Commission act on an expedited basis as requested herein.

Respectfully submitted,

/s/ Larry W. Dority

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Attorneys for:
CenturyTel of Missouri, LLC and
Spectra Communications Group, LLC d/b/a
CenturyTel

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 13th day of July, 2005, to:

Michael Dandino, Senior Public Counsel
Office of the Public Counsel
200 Madison Street
Jefferson City, MO 65101

Dana K. Joyce, General Counsel
William Haas, Deputy General Counsel
Marc Poston, Senior Counsel
Missouri Public Service Commission
200 Madison Street
Jefferson City, MO 65101

/s/ Larry W. Dority

Larry W. Dority

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

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)


AFFIDAVIT

I, **ARTHUR P. MARTINEZ**, of lawful age and being duly sworn, state that I am presently Director of Missouri Government Relations of CenturyTel, and further state to the best of my knowledge, information and belief, that the information set forth in the attached Joint Application for Variance and Motion for Expedited Treatment is true and correct.



Arthur P. Martinez

Subscribed and sworn to before me this 13th day of July, 2005.



Mary Siemons - Notary Public

My commission expires: July 8, 2008

