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August 22, 2000

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Re: Case No. TF-2000-428

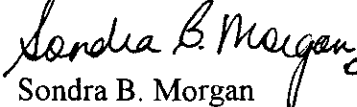
Dear Mr. Roberts:

Enclosed please find the original plus eight (8) copies of Motion for Clarification and/or Modification for filing on behalf of Le-Ru Telephone Company in the above referenced matter. Please bring this matter to the attention of the appropriate Commission personnel. A copy of this filing is being sent to all parties of record.

Thank you for your attention to this matter.

Very truly yours,

BRYDON, SWEARENGEN & ENGLAND P.C.

By: 
Sondra B. Morgan

SBM/k
Enclosures

cc: Office of Public Counsel
Denny Frey, PSC
Robert Hart
Tim Goodger

FILED²

AUG 22 2000

Missouri Public
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

AUG 22 2000

Missouri Public
Service Commission

In the matter of the Application)
of LE-RU TELEPHONE COMPANY)
for authority to borrow an amount)
not to exceed \$9,164,700 from the)
Rural Utilities Service, the Rural)
Telephone Bank and the Federal)
Financing Bank and in connection)
therewith to execute an Amending)
Telephone Loan Contract Amendment,)
Promissory Notes, and a Restated)
Mortgage, Security Agreement and)
Financing Statement.)

Case No. TF-2000-428

MOTION FOR CLARIFICATION AND/OR MODIFICATION

Comes now Le-Ru Telephone Company ("Le-Ru" or "Applicant") and for its Motion for Clarification and/or Modification states to the Missouri Public Service Commission ("Commission") as follows:

1. On January 18, 2000, Applicant filed an Application with the Commission requesting authority to borrow an amount not to exceed \$9,164,700 from the Rural Utilities Service ("RUS") and the Rural Telephone Bank ("RTB").
2. On August 15, 2000, the Commission issued its Order Approving Financing in which it approved the Application with certain conditions previously agreed to by the Applicant. On August 16, 2000, the Commission issued a Notice Correcting Order Nunc Pro Tunc to correct the Order's reflection of the vote.
3. Le-Ru respectfully requests that the Commission clarify or modify its Order in the following respects:

A. Ordered paragraph 11 states "[t]hat this order shall be effective until such time as the financing authorized is exhausted or is canceled by the Commission." Le-Ru asks that the Commission modify this paragraph to make clear that the approval granted by the Commission cannot be canceled until such time as the authorized financing has been utilized by the Applicant. This provision is troubling because counsel for Applicant will be required to give an opinion of counsel to the RUS and RTB which states that "all authorizations from regulatory bodies required in connection with the execution and delivery of the Loan Documents have been obtained." If the authority granted by the Commission is subject to cancellation before the company has exhausted the funds, then there is a question as to whether Le-Ru has received proper authorization for the transaction such that counsel can issue its opinion. Counsel is also concerned that the opinion as currently written may not be accepted by RUS and RTB as authorization for the transaction causing more delay in the company being able to receive the funds.

B. In communications to the Staff and at the hearing before the Commission, Le-Ru stated that it was willing to agree to limit its use of the requested financing to \$7,800,606 unless it requested and received further approval from the Commission. Le-Ru did, however, request that the Commission authorize it to execute the loan documents referencing the entire \$9,164,700 so that the company would not have to request amended loan documents from RUS causing further delay. The company assumes that the Commission's statement in paragraph 11 is meant to address this situation where the Commission would refuse to authorize the use of the remaining funds and thus "cancel" the prior authorization. Le-Ru respectfully suggests, however, that this language is not necessary in light of the Commission's earlier language in

Ordered Paragraphs 2 and 3 as well as the company's agreement to request further Commission approval before drawing down these additional funds. The Commission retains jurisdiction to refuse to authorize the use of the funds when that later request is made, and it is not necessary for the Commission to state in paragraph 11 that the order is only effective until such time as it may be canceled by the Commission.

4. In addition, Le-Ru requests that the Commission make an additional finding in its Order to comply with § 392.310.2, RSMo 1994, which requires the Commission, when authorizing the issue of bonds, notes or other evidence of indebtedness, to recite "that in the opinion of the commission the money, property or labor procured or to be procured or paid for by such issue or its proceeds has been or is reasonably required for the purpose specified in the order." Le-Ru believes that this is a necessary finding in order to have a valid Order Approving Financing and respectfully requests that the Commission modify its Order to so state.

Wherefore, Le-Ru respectfully requests that the Commission grant its Motion for Clarification and/or Modification and for any other relief appropriate in the circumstances.

Respectfully submitted,



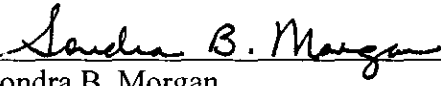
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Attorneys for Le-Ru Telephone Company

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was delivered, via U.S. Mail, and/or hand-delivered this 22^d day of August, 2000, to:

Office of Public Counsel
Truman State Office Building
301 W. High Street
P.O. Box 7800
Jefferson City, MO 65102

Mr. Denny Frey
Public Service Commission
301 W. High Street
P.O. Box 360
Jefferson City, MO 65102



Sondra B. Morgan