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Governor

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May 30, 2002

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

Re: Missouri State Discount Telephone,
Case No.
Tariff No. 200200981

Dear Mr. Roberts:

Enclosed for filing in the above-referenced case, please find the original and 8 copies of the Office of the Public Counsel's Motion to Suspend Tari and for an Evidentiary Hearing. I have on this date mailed, faxed, and/or hand-delivered the appropriate number of copies to parties of record. Please "file" stamp the extra-enclosed coy and return it to this office.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael F. Dandino".

Michael F. Dandino
Senior Public Counsel

MFD:kh

cc: Counsel of Record

Enclosure

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the matter of the tariff filing of Missouri)	
State Discount Telephone to add exchanges)	
for BPS Telephone Company, Chariton)	
Valley Telephone Corporation, and Mid-)	Case No.
Missouri Telephone Company to reflect)	Tariff No. 200200981
newly authorized exchanges as per recently)	
approved interconnection agreements.)	

**OFFICE OF THE PUBLIC COUNSEL'S
MOTION TO SUSPEND TARIFF
AND REQUEST FOR AN EVIDENTIARY HEARING**

COMES NOW the Office of the Public Counsel (Public Counsel) and moves the Missouri Public Service Commission to suspend Missouri State Telephone Company's tariff issued May 21, 2002, effective June 21, 2002 that adds additional company service areas and exchanges to Missouri State Discount Telephone Company's authorized service territory. Public Counsel requests an evidentiary hearing.

On March 13, 2002, BPS filed a notice under Section 392.245.2, RSMo. with the Commission stating that Missouri State Discount Telephone is certified and actually providing service in BPS exchanges. It now appears from the proposed tariff that Missouri State Discount was not certified to provide service in BPS exchanges. If such service was actually being provided, Missouri State Discount Telephone was unlawfully operating in exchanges for which it had no Commission authority to operate and was not certified to provide service. Since the certification and operation of Missouri State Discount Telephone in BPS exchanges served as the triggering event for BPS's election for price cap regulation, the Commission should suspend the tariff and investigate the facts and Missouri State Discount Telephone's non-compliance with

law. Section 392.480.1 (offering or providing telecommunications services that are not under tariff and subject to proper certification). Section 392.410.2 ("No telecommunications company offering or providing or seeking to offer or provide, any local exchange telecommunications service shall do so until it has applied for and received a certificate of local exchange service authority pursuant to the provisions of Section 392.420.") Section 392.410.5 ("Any certificate of service authority may be altered or modified by the Commission after notice and hearing, upon its own motion or upon application of the person or company affected.") Section 392.455(3) that "to preserve and advance universal service, protect the public safety and welfare, insure the continued quality of telecommunications services and safeguard the rights of consumers," the PSC certification of service authority process must include:

"(3) A requirement that the applicant set forth the geographic area in which it proposes to offer service and demonstrate that such area follows exchange boundaries of the incumbent local exchange telecommunications company and is no small than an exchange."

The Applicant's tariff amendment of its authorized service area is in effect an application for a modification and amendment to its certificate of service authority under Section 392.410.5, [RSMo. to](#) include additional geographic areas and exchanges of a different incumbent local exchange company. Public Counsel requests a hearing on the application.

WHEREFORE, the Commission should suspend the tariff and hold an evidentiary hearing on the proposed expansion of the service area and the Company's apparent operation in exchanges without proper Commission authority.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

BY: 

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed or hand delivered this 30th day of May, 2002 to the following attorneys of record:

Cliff Snodgrass
General Counsel's Office
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

Craig Johnson
Andereck, Evans, Milne, Peace & Johnson
P. O. Box 1439
Jefferson City, MO 65102-1438



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

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PHIL HAUCK (1924-1991)

May 20, 2002

RECEIVED³

MAY 20 2002

*Records
Public Service Commission*

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

Re: Missouri State Discount Telephone
1st Revised Sheet No. 10, Replacing Original Sheet No. 10

Dear Secretary:

Enclosed please find an original and three (3) copies of the above-referenced tariff sheet for filing with the Commission. The date of issue is May 21, 2002 and the effective date proposed is June 21, 2002. The purpose of this tariff is to add exchanges for BPS Telephone Company, Chariton Valley Telephone Corporation, and Mid-Missouri Telephone Company to reflect newly authorized exchanges as per recently approved interconnection agreements.

If any questions or concerns arise, please direct them to me. Thank you for seeing this filed.

Sincerely,


Craig S. Johnson

CSJ:tr

Enc.

cc: Mike Dandino
Daniel Joyce
Harry Thielepape
Sondra Morgan
Denise Day
James Simon

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200200981

GTE MIDWEST INCORPORATED

Alton	Ashland	Augusta	Ava	Belle
Bernie	Bland	Blue Eye	Bourbon	Bradleyville
Branson	Branson	West Buffalo	Cabool	Cape Fair
Cassville	Caulfield	Cedar Creek	Centralia	Chamois
Clark	Columbia	Conway	Crane	Cross Timbers
Cuba	Dardenne/Lake	St. Louis	Defiance	Dora
Elkland	Exeter	Foley	Fordland	Foristell
Forsyth	Gainesville	Galena	Hallsville	Hawk Point
Hermann	Hermitage	High Hill	Highlandville	Holstein
Hurley	Jamestown	Jenkins	Jonesburg	KimberligCity
Koshkonong	Leasburg	Louisburg	Mano	Mansfield
Marshfield	Marthasville	Morrison	Moscow Mills	MtSterling
Mtn. View	New Melle	Niangua	O'Fallon	Old Monroe
Ozark	Pittsburg	Prairie Home	Preston	Protein
Reeds Spring	Rocheport	Rockaway Beach	St. James	St. Peters
Safe	Seymour	Shell Knob	Sparta	Sturgeon
Summersville	Thayer	Theodosia	Thomasville	Troy
Truxton	Urbana	Vicy	Warrenton	Washburn
Wasola	Wentzville	West Plains	Wheatland	Willow Spg
Winfield	Woolridge	Wright City		

BPS Telephone Company (T)

Bernie Parma Steele

Chariton Valley Telephone Corporation (T)

Atlanta	Bevier	Bosworth	Bucklin
Bynumville	Callao	Clifton Hill	Dewitt
Ethel	Excello	Forrest Green	Hale
Huntsville	Jacksonville	New Boston	New Cambria
Prairie Hill	Salisbury		

Mid-Missouri Telephone Company (T)

Arrow Rock	Blackwater	Bunceton	Fortuna
Gilliam	High Point	Latham	Marshall Junction
Miami	Nelson	Pilot Grove	Speed

Date of Issue: May 21, 2002

Effective Date: June 21, 2002

**Harry Thielepape
President
Missouri State Discount Telephone
804 Elkins Lake
Huntsville, TX 77340**