



LAW OFFICES

BRYDON, SWEARENGEN & ENGLAND

PROFESSIONAL CORPORATION 312 EAST CAPITOL AVENUE P.O. BOX 456 JEFFERSON CITY, MISSOURI 65102-0456 TELEPHONE (573) 635-7166 FACSIMILE (573) 634-7431 E-MAIL: WREBSE@AOL.COM

CHARLES E. SMARR DEAN L. COOPER MARK G. ANDERSON TIMOTHY T, STEWART GREGORY C. MITCHELL RACHEL M. CRAIG BRIAN T. MCCARTNEY

÷

April 28, 1999

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

FILED APR 28 1999

Missouri Public Service Commission

Re: Case No. TT-99-432

Dear Mr. Roberts:

Enclosed for filing on behalf of the Small Telephone Company Group, please find an original and fourteen (14) copies of an Application to Intervene in the above-captioned matter.

Would you please see that this filing is brought to the attention of the appropriate Commission personnel. A copy is being provided to parties of record. I thank you in advance for your cooperation in this matter.

Sincerely,

T. McCartney

Brian T. McCartney

BTM/da Enclosure cc: Parties of Record

DAVID V.G. BRYDON JAMES C. SWEARENGEN WILLIAM R. ENGLAND, III JOHNNY K. RICHARDSON GARY W. DUFFY PAUL A. BOUDREAU SONDRA B. MORGAN SARAH J. MAXWELL

Ŧ

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI Missouri Public Service Commissi

)

)

)

In the Matter of Chariton Valley Telephone Company's Filing to Revise its Access Services Tariff, P.S.C. Mo. No. 2.

CASE NO. TT-99-432

FILED

APR 28 1999

Sommission

APPLICATION TO INTERVENE

Comes now the Small Telephone Company Group, members of which are set out in

Attachment A, (hereinafter "STCG" or "Applicants") and in support of its Application to

Intervene in the above-captioned matter states that:

1. Applicants are "telecommunications companies" and "public utilities" as those terms

are defined by § 386.020 RSMo Supp. 1998 and are therefore subject to the jurisdiction,

regulation and control of the Missouri Public Service Commission ("Commission") as provided

by law. Applicants are incumbent local exchange companies ("ILECs") providing basic local,

local, and exchange access services in those areas of Missouri certificated to them by the

Commission.

î

2. Correspondence, communications, orders and decisions in this matter should be

addressed to:

W.R. England, III/Brian T. McCartney Brydon, Swearengen & England P.C. 312 E. Capitol Avenue P.O. Box 456 Jefferson City, MO 65102-0456 (573) 635-7166

3. On March 9, 1999, Alma Telephone Company ("Alma"), MoKan Dial, Inc. ("MoKan"), Mid-Missouri Telephone Company ("Mid-Missouri"), Choctaw Telephone Company ("Choctaw"), Chariton Valley Telephone Company ("Chariton Valley"), and Peace Valley ("Peace Valley") filed tariff sheets designed to tariff rates for the termination of intra-Major Trading Area ("MTA") Commercial Mobile Radio Service ("CMRS") originated traffic.

4. On April 1, 1999, the Staff of the Missouri Public Service Commission ("Staff") filed motions to suspend the proposed tariff sheets and applications to intervene. Staff recommended that the filing be suspended and set for hearing to determine the appropriateness of applying tariffed access rates to intra-MTA CMRS-originated traffic.

5. On April 8, 1999, the Commission issued separate Orders suspending the proposed tariffs of Alma, MoKan, Mid-Missouri, Choctaw, Chariton Valley, and Peace Valley in Case Nos. TT-99-428, TT-99-429, TT-99-430, TT-99-431, TT-99-432, and TT-99-433. The Commission found that there were questions of fact and of compliance with the applicable statutes that must be resolved before the Commission can approve the proposed tariff sheets. The Commission also noted that a hearing might be necessary in order to resolve these issues.

6. Applicants file this Application to Intervene in the instant proceeding on the grounds that the Commission's decisions in this case may directly affect their interests as providers of telecommunications services in Missouri. Applicants are similarly situated with Alma, MoKan, Mid-Missouri, Choctaw, Chariton Valley, and Peace Valley in that they are being required to terminate CMRS originated calls without compensation. Applicants generally support the proposed tariff revisions that will make it clear that, absent an interconnection agreement, intrastate access charges will apply to the termination of this traffic.

7. The Applicants have an interest in this proceeding which is different from that of the general public, and the Applicants' expertise in and perspective on the provision of telecommunications services in this State will aid the Commission in resolving the issues related to this proceeding. Consequently, the Applicants' intervention and participation will serve the

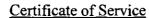
public interest.

WHEREFORE, Applicants respectfully request that the Commission issue an Order authorizing them to intervene in the above-captioned proceeding and for such other orders as are reasonable in the circumstances.

Respectfully submitted,

W.R. England, III Mo. Bar #23975
Brian T. McCartney Mo. Bar #47788
BRYDON, SWEARENGEN & ENGLAND P.C.
312 East Capitol Avenue
P.O. Box 456
Jefferson City, Missouri 65102-0456
(573) 635-7166

Attorneys for the Small Telephone Company Group



I hereby certify that a true and correct copy of the above and foregoing document was mailed or hand-delivered, this 28thday of April, 1999, to:

Office of Public Counsel P.O. Box 7800 Jefferson City, MO 65102

General Counsel Missouri Public Service Commission P.O. Box 360 Jefferson City, MO 65102

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

MC Cartney

W.R. England, III/Brian T. McCartney

ATTACHMENT A

BPS Telephone Company Cass County Telephone Company Citizens Telephone Company Craw-Kan Telephone Cooperative, Inc. Ellington Telephone Company Farber Telephone Company Fidelity Telephone Company Goodman Telephone Company Granby Telephone Company Grand River Mutual Telephone Corporation Green Hills Telephone Corporation Holway Telephone Company Iamo Telephone Company Kingdom Telephone Company KLM Telephone Company Lathrop Telephone Company Le-Ru Telephone Company McDonald County Telephone Company Mark Twain Rural Telephone Company Miller Telephone Company New Florence Telephone Company **Oregon Farmers Mutual Telephone Company** Ozark Telephone Company Rock Port Telephone Company Seneca Telephone Company Steelville Telephone Exchange, Inc.