

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

In the Matter of the Application of Comcast Phone of )  
Missouri, LLC, d/b/a Comcast Digital Phone for )  
Certificate Of Service Authority to Provide Basic Local, ) **Case No. LA-2006-0173**  
Local Exchange, and Interexchange )  
Telecommunications Services Throughout the State )  
of Missouri and to Classify the Company as Competitive )

**APPLICATION TO INTERVENE**

COMES NOW Cass County Telephone Company (“Cass County”) pursuant to Commission Rule 4 CSR 240-2.075 and the Commission’s *Order Establishing Intervention Deadline*, and states as follows:

1. Cass County currently provides telecommunications services to members of the public located in those areas certificated to it by the Missouri Public Service Commission (“Commission”). Cass County is a “telecommunications company” and “public utility” as those terms are defined by §386.020 RSMo 2000 and is therefore subject to the jurisdiction, regulation and control of the Commission as provided by law. Cass County is also a “small incumbent local exchange carrier” as defined by §386.020(30) RSMo.

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 (tel.)  
573/634-7431 (fax)  
[trip@brydonlaw.com](mailto:trip@brydonlaw.com)  
[bmccartney@brydonlaw.com](mailto:bmccartney@brydonlaw.com)

3. Cass County is the certificated incumbent local exchange carrier (ILEC) that presently provides service to local exchange customers in the same service area where Comcast Phone of Missouri (“Comcast”) seeks certificate of service authority.

4. At the outset, Cass County would note that Section 392.451 of Missouri’s Revised Statutes sets forth a strict set of requirements to be applied to applications for certificates of local exchange service authority in areas served by small ILECs. At the very least, Cass County opposes Comcast’s Application at this time because the Application does not comply with these specific statutory provisions. As more information becomes available in this case, there may be additional issues that cause Cass County to object to Comcast’s Application.

5. Cass County’s expertise in and perspective on the provision of telecommunications services in the State will aid the Commission in resolving the issues related to this proceeding. Consequently, Cass County’s intervention and participation will serve the public interest.

WHEREFORE, Cass County respectfully requests that the Commission issue an Order granting this application to intervene in the above-captioned proceeding and granting such other orders as are reasonable in the circumstances.

Respectfully submitted,

/s/ Brian T. McCartney

W.R. England, III                      Mo. Bar #23975  
Brian T. McCartney                      Mo. Bar #47788  
BRYDON, SWEARENGEN & ENGLAND P.C.  
312 East Capitol Avenue  
Jefferson City, Missouri 65102-0456  
573/635-7166 (tel.)  
573/634-7431 (fax)  
[trip@brydonlaw.com](mailto:trip@brydonlaw.com)  
[bmccartney@brydonlaw.com](mailto:bmccartney@brydonlaw.com)

Attorneys for the Applicants

### **Certificate of Service**

I hereby certify that a true and correct copy of the above and foregoing document was mailed, served electronically, or hand-delivered, this 8<sup>th</sup> day of November, 2005, to:

Michael Dandino  
Office of Public Counsel  
P.O. Box 7800  
Jefferson City, Missouri 65102  
[Mike.dandino@ded.mo.gov](mailto:Mike.dandino@ded.mo.gov)

General Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, Missouri 65102  
[d.joyce@psc.mo.gov](mailto:d.joyce@psc.mo.gov)

Mark Johnson/Roger Steiner  
Sonnenschein, Nath & Rosenthal LLP  
4520 Main Street, Suite 1100  
Kansas City, MO 64111  
[mjohnson@sonnenschein.com](mailto:mjohnson@sonnenschein.com)  
[rsteiner@sonnenschein.com](mailto:rsteiner@sonnenschein.com)

/s/ Brian T. McCartney