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**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 9th day of April, 1998.

In the Matter of the Application of Southwest Missouri Cable TV, Inc. for Designation as an Eligible Carrier Pursuant to Section 254 of the Telecommunications Act of 1996.)
) Case No. TO-98-275
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ORDER DISMISSING CASE

Southwest Missouri Cable TV, Inc. (SMCTV) filed an Application for Designation as Eligible Carrier Pursuant to § 254 of the Telecommunications Act of 1996 on December 31, 1997. SMCTV stated that it is a certificated interexchange and local exchange carrier and alleged that it currently offers, or will soon offer, eight of the nine services supported by federal universal service.

In order to be eligible for federal universal service support, a carrier must provide the services designated in 47 C.F.R. Section 101 using its own facilities at least in part. Those services include voice grade access to the public switched network, local usage, dual tone multi-frequency signaling, single-party service, access to emergency, operator, and interexchange services, access to directory assistance, and toll limitations for qualifying low-income customers.

The Commission issued an Order and Notice on January 7, in which it took note that SMCTV is not certificated to provide basic local telecommunications services in Missouri. Nevertheless, the Commission established an intervention date and granted the timely-filed application

to intervene of GTE Midwest Incorporated. The Commission directed the parties to meet at a prehearing conference and file a proposed procedural schedule. However, before the date scheduled for the prehearing conference, the Staff of the Commission (Staff) filed a Motion to Dismiss and Motion to Suspend Prehearing Conference.

Staff asks the Commission to dismiss SMCTV's application for designation as an eligible carrier on the grounds that it is not certificated to provide basic local telecommunications services in Missouri. Without that certification, SMCTV cannot offer voice grade access to the public switched network or local usage. No responses were filed to Staff's Motion to Dismiss.

The federal rule regarding eligible carriers specifies that a state commission may grant additional time for a company to complete network upgrades needed in order to provide single-party service, access to enhanced 911 service, or toll limitation. 47 C.F.R. § 54.101(c). There is no provision that would allow a state commission to declare a company eligible for federal universal service support and grant it additional time to provide the most basic local services, i.e., voice grade access to the public switched network and local usage. The Act requires that eligible carriers be offering those services using their own facilities at least in part.

The Commission has considered SMCTV's application and Staff's motions to dismiss the case and to suspend the prehearing conference, and finds that Staff's motions should be granted. Although SMCTV is certificated to provide interexchange and nonswitched local exchange services, it is not certificated to provide the basic local services that are supported by federal universal service support. Since SMCTV is not qualified to

offer those services, by definition it cannot qualify as an eligible carrier for federal universal service purpose. Accordingly, this case will be dismissed and the procedural schedule terminated.

IT IS THEREFORE ORDERED:

1. That the Application for Designation as Eligible Carrier Pursuant to § 254 of the Telecommunications Act of 1996 filed by Southwest Missouri Cable TV, Inc. on December 31, 1997 is dismissed.
2. That the procedural schedule in this case is terminated.
3. That this order shall become effective on April 21, 1998.
4. That this case may be closed on April 22, 1998.

BY THE COMMISSION



**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

(S E A L)

Lumpe, Ch., Crumpton, Drainer,
Murray and Schemenauer, CC.,
concur.

Wickliffe, Deputy Chief Regulatory Law Judge