

LAW OFFICES
BRYDON, SWEARENGEN & ENGLAND
PROFESSIONAL CORPORATION

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

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
DALE T. SMITH

OF COUNSEL
RICHARD T. CIOTTON

May 8, 2000

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

Re: Case No. TO-2000-667

Dear Mr. Roberts:

Enclosed for filing on behalf of the Small Telephone Company Group in the above-referenced matter, please find an original and eight (8) copies of an Application to Intervene.

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

Sincerely,

Brian T. McCartney

Brian T. McCartney

BTM/da
Enclosure
cc: Parties of Record

FILED²
MAY 09 2000
Missouri Public
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED³

MAY 09 2000

Missouri Public
Service Commission

In the Matter of the Investigation into the)
Effective Availability for Resale of Southwestern)
Bell Telephone Company's Local Plus Service by)
Interexchange Companies and Facilities-Based)
Competitive Local Exchange Companies.)

CASE NO. TO-2000-667

APPLICATION TO INTERVENE

COMES NOW the Small Telephone Company Group ("STCG" or "Applicants"),
members of which are set forth on Appendix A, and in support of its Application to Intervene
pursuant to 4 CSR 240-2.075 in the above-captioned matter states that:

1. Applicants currently provide telecommunications services to members of the public
located in those areas certificated to them by the Missouri Public Service Commission
("Commission"). Applicants are "telecommunications companies" and "public utilities" as those
terms are defined by § 386.020 RSMo Supp. 1999 and are therefore subject to the jurisdiction,
regulation and control of the Commission as provided by law.

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

W.R. England, III
Brian T. McCartney
Brydon, Swearngen, & England P.C.
312 E. Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102-0456
trip@brydonlaw.com
brian@brydonlaw.com
telephone: (573) 635-7166
facsimile: (573) 634-7431

3. On April 6, 2000 the Commission issued its Report and Order in Case No. TO-2000-258 that expressed concern about the availability for resale of Southwestern Bell Telephone Company's ("SWBT") Local Plus Service. The Commission stated that TO-2000-258 was "not the best forum for consideration of the technical aspects of the availability of resale of Local Plus." Accordingly, the Commission opened Case No. TO-2000-667 on its own motion and directed its Staff to "investigate the effective availability for resale of Local Plus by IXC's and CLECs."

4. On April 20, 2000, the Commission issued its Order Making Southwestern Bell Telephone Company a Party and Directing Notice in Case No. TO-2000-667.

5. The Small Telephone Company Group files this Application to Intervene in the instant proceeding on the grounds that the issues in this case will directly affect the STCG member companies' interests as providers of telecommunications services in Missouri in the following respects:

A. The conversion of intraLATA toll traffic to Local Plus traffic may significantly impact the STCG's intraLATA terminating access revenues. For this reason, the STCG is interested in the issues relating to the resale of Local Plus. The STCG is particularly concerned about the different potential resale structures upon compensation for Local Plus traffic to the STCG members. Specifically, the STCG is interested in what manner Local Plus will be resold, in what manner CLECs and IXCs will be considered "facilities-based" resellers, what deviations from the approved Local Plus calling scopes and patterns will be permitted, whether resale will be configured or structured in such a manner that the "reselling" entity, as opposed to SWBT, will be responsible for terminating compensation, what facilities will be utilized in routing this traffic

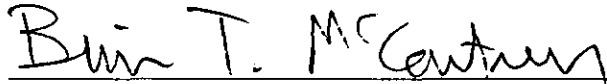
for termination, what recording systems will be utilized, what records will be made, who will be responsible for delivering or passing such records, and the integration of such systems into existing systems in use between IXC's, CLEC's, and ILEC's.

B. The STCG is interested in the impact of interconnection or resale agreements between SWBT and CLEC's or IXC's that cover or address traffic destined for termination on the network of the LEC's which are not parties to the interconnection or resale agreement, as such may have the ability to discriminate against non-parties to the interconnection agreement in that they may preclude or prejudice the ability of the other LEC's to assure their access tariffs are complied with, or preclude their ability to assure compensation is appropriately paid.

6. 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, the Small Telephone Company Group respectfully requests that the Commission issue an Order: (1) authorizing it to intervene in the above-captioned proceeding,, and (2) 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 E. Capitol Avenue

P.O. Box 456

Jefferson City, MO 65102-0456

trip@brydonlaw.com

brian@brydonlaw.com

telephone: (573) 635-7166

facsimile: (573) 634-7431

Attorneys for the Small Telephone Company Group

Certificate of Service

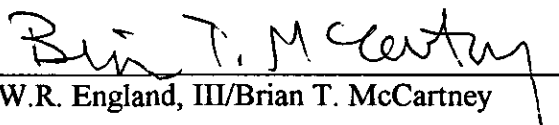
I hereby certify that a true and correct copy of the above and foregoing document was mailed or hand-delivered, this 9th day of May, 2000 to:

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

Bill Haas
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Paul Lane/Leo Bub/Anthony Conroy/
Mimi MacDonald
Southwestern Bell Telephone Company
One Bell Center, Room 3520
St. Louis, MO 63101

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


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

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, Inc.
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
New London Telephone Company
Orchard Farm Telephone Company
Oregon Farmers Mutual Telephone Company
Ozark Telephone Company
Peace Valley Telephone Company
Rock Port Telephone Company
Seneca Telephone Company
Steelville Telephone Exchange, Inc.
Stoutland Telephone Company

APPENDIX A