

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

In the Matter of the Application of	)	
BPS Telephone Company for Approval	)	
of a Resale Agreement with Missouri	)	Case No. TO-2002-0062
State Discount Telephone under the	)	
Telecommunications Act of 1996.	)	

**APPLICATION FOR APPROVAL OF AMENDMENT TO  
RESALE AGREEMENT BETWEEN BPS TELEPHONE COMPANY  
AND MISSOURI STATE DISCOUNT TELEPHONE COMPANY**

Comes now BPS Telephone Company ("BPS" or "BPS Telephone") and for its Application for Approval of Amendment to Resale Agreement Between BPS Telephone Company and Missouri State Discount Telephone Company states to the Missouri Public Service Commission ("Commission") as follows:

1. BPS is a local exchange telecommunications company with its office and principal place of business located at 120 Stewart Street, Bernie, Missouri 63822. BPS's phone number is (573) 292-2277 and its fax number is (573) 293-2299. BPS provides basic local telecommunications services to its customers in the Missouri exchanges of Bernie, Parma and Steele pursuant to a certificate of authority from the Commission . BPS is a Missouri corporation, and a Certificate of Good Standing from the Missouri Secretary of State was filed with the Commission with its original application seeking approval of the Resale Agreement in this case, and more recently in Case No. TC-2002-1077.

2. All inquiries, correspondence, communications, pleadings, notices, orders and decisions relating to this Application should be directed to:

W. R. England, III  
Sondra B. Morgan  
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3. BPS does not have any pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of the application.

4. On October 16, 2001, in Case No. TO-2002-62, the Commission issued its Order Approving Interconnection Agreement in which it approved the Resale Agreement between BPS and Missouri State Discount Telephone ("MSDT"). In the "Modification Procedure" section of the Order, the Commission stated, "Modifications to an agreement must be submitted to the Staff for review." Later in the Order the Commission further stated, "Staff will review the modification and its effects, and prepare a recommendation advising the Commission whether the modification should be approved."

5. On January 6, 2004, counsel for BPS forwarded to Mr. John Van Eschen, Manager-Telecommunications Department, a "Modification of Resale Agreement between BPS Telephone Company and Missouri State Discount Telephone." The cover letter to Mr. Van Eschen explained that attached were three (3) pages of the Resale Agreement and that text limiting MSDT's ability to market its services had been removed on two (2) pages, while the third page contained changes in telephone and fax numbers for MSDT. Also attached were signature pages

from both BPS and MSDT showing acquiescence to the changes. A copy of the modified pages along with the cover letter to Mr. Van Eschen are marked Appendix A and attached hereto.

6. Because there is ambiguity in the Commission's Order regarding the modification procedure, BPS is formally filing this modification to the Resale Agreement with the Commission as well as presenting it to the Staff. BPS now seeks approval of the modification consistent with the provisions of the Telecommunications Act of 1996 ("the Act") and Missouri law. The amendment to the Resale Agreement complies fully with § 252(e) of the Act because it is non-discriminatory and consistent with the public interest, convenience and necessity.

7. BPS respectfully requests that the Commission grant approval of the amendment without change, suspension or other delay in implementation. This is a bilateral amendment entered into as a result of agreement between the parties. BPS believes that the procedures for review of the amendment should be designed to permit expeditious implementation consistent with the scope of review specified by the Act and the Commission's applicable rules.

8. The statutory standards of review are set forth in Section 252(e) of the Telecommunications Act of 1996 which provides as follows:

- (1) **APPROVAL REQUIRED.** -- Any interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the State commission. A State commission to which an agreement is submitted shall approve or reject the agreement, with written findings as to any deficiencies.
- (2) **GROUND FOR REJECTION.**-- The State commission may only reject --
  - (A) an agreement (or any portion thereof) adopted by negotiation

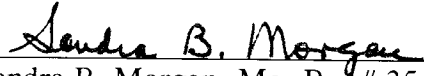
under subsection (a) if it finds that –

- (I) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity; . . .

9. The affidavit of Ms Lisa Winberry, Manager of BPS, which is attached hereto as Appendix B and incorporated herein, establishes that the Agreement submitted herein satisfies these standards.

WHEREFORE, BPS respectfully requests that the Commission approve the Amendment to the Resale Agreement executed between BPS and MSDT to be effective upon approval by the Commission, and for any other relief appropriate in the circumstances.

Respectfully submitted:



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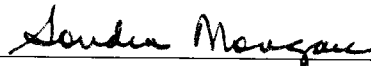
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or hand-delivered on this 20<sup>th</sup> day of January, 2004, to the following parties:

General Counsel  
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