

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 14th day of  
July, 2005.

In the Matter of the Joint Application of	)	
CenturyTel of Missouri, LLC and Spectra	)	
Communications Group, LLC d/b/a CenturyTel	)	<b><u>Case No. TO-2006-0015</u></b>
for Variance of the Forty-Five Day Notice	)	
Requirement of Section 392.245.4(2), RSMo 2000	)	

**ORDER GRANTING JOINT APPLICATION FOR VARIANCE  
AND GRANTING MOTION FOR EXPEDITED TREATMENT**

Issue Date: July 14, 2005

Effective Date: July 14, 2005

**Syllabus:** This order grants CenturyTel of Missouri, LLC's and Spectra Communications Group, LLC d/b/a CenturyTel's Joint Application and Motion for Expedited Treatment.

**Background**

On July 13, 2005, CenturyTel of Missouri, LLC and Spectra Communications Group, LLC d/b/a CenturyTel filed a Joint Application for Variance and Motion for Expedited Treatment. CenturyTel and Spectra ask the Commission to waive the portion of Section 392.245.4(2) that requires them to give the Commission forty-five days' notice of a change to their maximum allowable price under Section 392.245.

CenturyTel and Spectra explain that they traditionally change their maximum allowable prices for exchange access and basic local telecommunications services every September 1. As such, they would file their tariffs on or about July 15, to allow the Commission the required forty-five days' notice.

This year, however, CenturyTel has a pending case with the Staff of the Commission and the Office of the Public Counsel that relates to CenturyTel's price-cap rate changes.<sup>1</sup> Likewise, Spectra is negotiating with Staff and Public Counsel about its annual price-cap rate changes.

Because of these continuing negotiations, CenturyTel and Spectra ask the Commission for a variance from Section 392.245.4(2). They ask the Commission to allow them to file their tariffs on August 1, with an effective date of September 1.

In support of their Motion for Expedited Treatment, CenturyTel and Spectra state that on July 12, the parties determined that further discussions were needed before they could file their tariffs, and that they filed this application as soon as they could. CenturyTel and Spectra ask the Commission to rule on their application at its July 14 Agenda meeting. CenturyTel and Spectra state that should the Commission grant the application, no party will be prejudiced, because the tariffs to be filed on August 1 would become effective on the traditional date of September 1. In addition, CenturyTel and Spectra state that Staff and Public Counsel support this application.

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<sup>1</sup> In the Matter of the Request from Customers in the Rockaway Beach Exchange for an Expanded Calling Scope to Make Toll-Free Calls to Branson, Commission Case No. TO-2003-0257.

## **Discussion**

Commission Rule 4 CSR 240-2.080(16) governs expedited treatment before the Commission. That rule states that a party seeking for expedited treatment shall state the date by which the party wishes the Commission to act, shall state the harm that will be avoided, or the benefit that will accrue, including a statement of the negative effect, or that there will be no negative effect, on the party's customers or the general public, if the Commission acts by the desired date, and shall state that the pleading was filed as soon as it could have been or an explanation why it was not. The Commission has reviewed the Motion for Expedited Treatment, finds that it substantially complies with Commission Rule 4 CSR 240-2.080(16), and will grant it.

Commission Rule 4 CSR 240-2.060(4) governs variances of statutes. That rule states that the party shall state the statute from which the variance is sought, the reasons for the proposed variance and a complete justification setting out the good cause for granting the variance, and the name of any public utility affected by the variance. The Commission finds that CenturyTel and Spectra have substantially complied with the rule, and will grant the variance. The Commission finds that Staff's and Public Counsel's support of the application, and the continued negotiations of the parties concerning the applicants' price-cap rates, rises to the level of good cause for the Commission to grant the variance.

### **IT IS THEREFORE ORDERED:**

1. That the Joint Application for Variance and Motion for Expedited Treatment filed by CenturyTel of Missouri, LLC and Spectra Communications Group, LLC d/b/a CenturyTel is granted.

2. That CenturyTel of Missouri, LLC and Spectra Communications Group, LLC d/b/a CenturyTel shall file their price-cap tariffs pursuant to Section 392.245, RSMo, no later than August 1, 2005.

3. That this order shall become effective on July 14, 2005.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Davis, Chm., Murray, Gaw, Clayton and Appling, CC., concur

Pridgin, Regulatory Law Judge