

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Bona Fide Request of)
Big River Telephone Company, LLC for)
Interconnection, Services and Network) **Case No. TO-2008-0003**
Elements from BPS Telephone Company)
pursuant to 47 U.S.C 251(f)(1).)

ORDER DIRECTING RESPONSE TO NOTICE OF BONA FIDE REQUEST
FOR TERMINATION OF A RURAL EXEMPTION
UNDER 47 U.S.C. SECTION 251(f)(1)(A),
SCHEDULING PROCEDURAL CONFERENCE,
SETTING DATE FOR INTERVENTION, ADDING PARTY,
AND DIRECTING STAFF INVESTIGATION

Issue Date: July 3, 2007

Effective Date: July 3, 2007

On July 2, 2007, Big River Telephone Company, LLC, filed a Notice of Bona Fide Request for Interconnection, Services and Network Elements from BPS Telephone Company pursuant to 47 U.S.C. 251(f)(1). Big River has requested interconnection with BPS and BPS has refused such interconnection based on a rural telephone company exemption.

Big River requests that the Commission direct BPS to show whether it is eligible as a rural telephone company, including whether it provides video programming, and why any applicable exemption under Section 251(f)(1)¹ should not be terminated. In addition, Big River requests that the Commission direct its Staff to conduct an investigation of BPS to determine the economic impact of Big River's request, the technical feasibility of Big River's

request, and the consistency of Big River's request with the applicable portions of Section 254. Big River further asks the Commission to immediately schedule a conference of the parties to discuss the procedural schedule to be set in this matter. Finally, Big River requests that upon conclusion of the proceedings, that the Commission terminate any applicable exemption under Section 251(f)(1) as to BPS, at least with regard to Big River's request, and establish an implementation schedule for compliance with Big River's request. Because BPS is a necessary party to a full and fair adjudication of this matter, the Commission will add it as a party to this case.

Section 251(f)(1)(B) requires the Commission to complete an inquiry for the purpose of determining whether to terminate the exemption no later than October 30, 2007. The Commission is required to terminate the exemption if the request is not unduly economically burdensome, is technically feasible, and is consistent with Section 254. Thus, the Commission shall direct BPS to file a response to Big River's requests.

The Commission shall also direct its Staff to begin the necessary inquiries to advise the Commission regarding the economic impact, technical feasibility, and consistency with Section 254.

The Commission finds that proper persons shall be allowed an opportunity to file a request for intervention. The Commission also finds that notice of this application shall be sent to all interexchange and local exchange telecommunications companies.

Because of the expedited nature of this case, the Commission will promptly schedule a procedural conference. If any of the parties or applicants for intervention desire

¹ All statutory references are to Title 47 of the United States Code unless otherwise noted.

to appear at this conference by telephone, they shall notify the Regulatory Law Judge as directed below.

IT IS ORDERED THAT:

1. The Commission's Data Center shall send notice to all interexchange and local exchange telecommunications companies.
2. BPS Telephone Company is made a party to this case.
3. Any party wishing to intervene in this matter shall file a request to do so by filing a pleading no later than July 16, 2007, with:

Colleen M. Dale, Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

and send copies to:

Carl J. Lumley
Curtis, Heinz, Garrett & O'Keefe, PC
130 South Bemiston, Suite 200
Clayton, Missouri 63105
ATTORNEYS FOR BIG RIVER TELEPHONE COMPANY, LLC

W.R. England, III
Brydon, Swearengen & England, P.C.
312 East Capitol Avenue
Post Office Box 456
Jefferson City, Missouri 65102-0456
ATTORNEYS FOR BPS TELEPHONE COMPANY

and:

Office of the Public Counsel
Post Office Box 2230
Jefferson City, Missouri 65102

4. BPS Telephone Company shall file a response regarding Big River Telephone Company, LLC's requests, no later than July 16, 2007.

5. A procedural conference shall be held on July 18, 2007, beginning at 10:00 a.m., in Room 305 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. The Governor Office Building meets accessibility standards required by the Americans with Disabilities Act. If anyone needs additional accommodations to participate in the meeting, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 prior to the meeting.

6. If a party or applicant for intervention desires to participate in the procedural conference by telephone, the party shall notify the Regulatory Law Judge no later than July 16, 2007, by calling 573-751-4393 or e-mailing: nancy.dippell@psc.mo.gov.

7. This order shall become effective on July 3, 2007.

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)

Nancy Dippell, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 3rd day of July, 2007.