

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

In The Matter of The National)	
Telecommunications and Information)	
Administration's State Broadband)	Case No. AO-2010-0213
Data and Development Grant)	
Program in the State of Missouri)	

**SUGGESTIONS IN RESPONSE TO ORDER DIRECTING COLLECTION OF
BROADBAND PROVIDER INFORMATION**

COMES NOW The Missouri Cable Telecommunications Association (hereinafter referred to as "Cable Association") by and through Hendren Andrae, LLC, Richard S. Brownlee III, and for its Suggestions states:

1. The Missouri Cable Telecommunications Association consists of thirty-three (33) members engaged in the business of providing cable television service, interconnected voice over Internet protocol service, and telecommunications service in the state of Missouri.
2. The Order directs, inter alia, that "[e]ach provider is directed to identify the entity that provides broadband or broadband-like services in the state, a general description of the area where the services are provided, and how many subscribers or customers are served".
3. Section 386.020 (54) RSMo. defines telecommunications services which are under the jurisdiction of the Public Service Commission (hereinafter referred to as "Commission"). That section specifically exempts the following services as not being included in the definition of

telecommunications services and thus not within the regulatory purview of the Commission:

“(f) Cable television services”

“(j) Interconnected voice over Internet protocol services”

4. While the terms “broadband” or “broadband-like” services are not defined by statute, Section 386.020 (23) RSMo., which defines interconnected voice over Internet protocol services, utilizes the phrase broadband as follows:

“(23) “Interconnected voice over Internet protocol service”, service that:

- (a) Enables real-time, two-way voice communications;
- (b) Requires a broadband connection from the user’s location;
- (c) Requires Internet protocol-compatible customer premises equipment; and
- (d) Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network;”

5. The members of the Cable Association consider the information ordered to be submitted to be proprietary and/or highly confidential in nature and have serious concerns as to whether the submitted materials could be

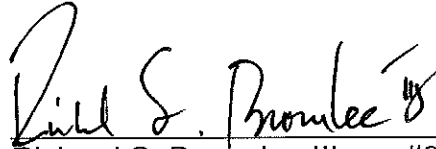
considered proprietary or highly confidential by the Commission if it has no jurisdiction over the services, data, and information requested to be submitted. If the Commission does not have jurisdiction over the information, it is questionable as to whether a protective order could even be issued under the provisions of 4 CSR 240-2.135. Further, the Cable Association has additional concerns as whether the submitted materials could be protected under the open records provisions of Chapter 610 RSMo.

6. The Order is silent as to whether a third-party vendor will be used for the mapping services. If so, the same non-disclosure concerns exist for that entity.
7. The Order is silent as whether a standard format is being required that sets forth in more detail the information actually being requested.
8. Even if the requested information could be protected by the Commission under a protective order or under the provisions of Chapter 610 RSMo., the Cable Association respectfully asserts that the shortage of time stated in the order would create an impossible compliance demand.

WHEREFORE The Cable Association requests a clarifying order directed to the issues raised in this pleading.

Respectfully submitted

HENDREN ANDRAE, LLC



Richard S. Brownlee III #22422
221 Bolivar Street, Suite 300
P.O. Box 1069
Jefferson City, MO 65102
Telephone: (573) 636-8135
Facsimile: (573) 636-5226
richardb@hendrenandrae.com

Attorneys for The Missouri Cable
Telecommunications Association

CERTIFICATE OF SERVICE

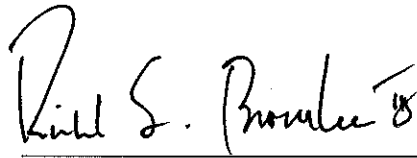
I hereby certify that I served a copy of the foregoing document by mailing a true copy thereof on this 22nd day of January, 2010, via prepaid United States mail, to:

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Mills Lewis
Office of the Public Counsel
P.O. Box 2230
Jefferson City, MO 65102

William R. England, III
Small Telephone Company
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102

Craig S. Johnson
Small Telephone Company Group
304 E. High Street, Suite 100
P.O. Box 1606
Jefferson City, MO 65102

A handwritten signature in black ink, reading "Richard S. Brownlee III". The signature is written in a cursive style with a large initial "R" and a stylized "S".

Richard S. Brownlee III