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January 29, 2003

FILED

FEB 04 2003

*ALSO ADMITTED IN
KANSAS AND MASSACHUSETTS

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

Missouri Public
Service Commission

Re: BBC Telephone, Inc.- Amended Application for Certificate of Service Authority and
for Competitive Classification
Case No. CA-2003-0242

Dear Mr. Roberts:

Enclosed for filing find an original and eight (8) copies of an Amended Application for Certificate of Service Authority and for Competitive Classification on behalf of BBC Telephone, Inc. Also enclosed is an extra cover page, which we would like you to return with the file stamp thereon in the self addressed and stamped envelope.

The purpose of this filing is twofold. The first is to bring the application into compliance with the Order Directing Filing dated January 22, 2003. The second is to correct an incorrect reference to the rules contained in Paragraph 9 of the original application and called to my attention by a member of the Staff.

With respect to compliance with the Order Directing Filing dated January 22, 2003, which directed: 1) the filing of a certificate of service showing service on the General Counsel and the Public Counsel; and 2) a statement showing compliance with Commission Rule 4 CSR 240-2.060(1)(L) that the applicant state that no annual report or assessment fees are overdue, I would call your attention to the following:

- 1) The Certificate of Service on page 5 of the Amended Application in which it is certified that a copy of both the Amended Application as well as the original Application are being mailed postage prepaid to Dana K. Joyce and John B. Coffman. While I previously sent Mr. Coffman a copy of the original application when it was filed as shown on my cover letter accompanying the original application, I am sending him another copy pursuant to my Certificate of Service.

FINNEGAN, CONRAD & PETERSON, L.C.

Mr. Dale Hardy Roberts
January 29, 2003
Page 2

2) A new paragraph 12 is contained in the Amended Application stating that there are no annual reports or assessment fees overdue as required by Commission Rule 4 CSR 240-2.060(1)(L).

With respect to the incorrect reference to the rules contained in Paragraph 9 of the original Application, in the Paragraph 9 on page 3 of the Amended Application I have changed the incorrect reference to 4 CSR 240-2.060(4)(H) to the correct reference to 4 CSR 240-2.060(6)(C).

Please let me know if anything further needs to be done and I will promptly take care of it.

Very truly yours,

FINNEGAN, CONRAD & PETERSON, L.C.

By:


Jeremiah D. Finnegan

JDF:crb

Enclosures

cc: John B. Coffman w/copy of original Application and Amended Application
Dana K. Joyce w/copy of original Application and Amended Application
Steven D. Gough w/copy of Amended Application
Barry E. Beshirs w/copy of Amended Application

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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED³

FEB 04 2003

In the matter of the Application of
BBC Telephone, Inc. for a certificate
of service authority to provide Basic
Local Telecommunications Service in
portions of the State of Missouri and to
classify said services and the company
as competitive.

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Missouri Public
Service Commission

Case No.CA-2003-0242

**AMENDED APPLICATION FOR CERTIFICATE OF SERVICE AUTHORITY
AND FOR COMPETITIVE CLASSIFICATION**

COMES NOW, BBC Telephone, Inc. ("BBC"), by its undersigned counsel, and hereby applies pursuant to: Sections 392.361, 392.420, and 392.430 RSMo 1994, 392.410, 392.450 RSMo. 2000; the Federal Telecommunications Act of 1996; and 4 CSR 240-2.060, for authority to provide basic local telecommunications service in portions of the State of Missouri and to classify said service and company as competitive. In support of its application BBC states as follows:

1. Applicant BBC is a corporation duly organized and existing under and by virtue of the laws of the State of Kansas. Attached to the original Application as Exhibit 1 and incorporated herein by reference, which consists of a certified copy of the corporation's Articles of Incorporation, as amended, and a Certificate of Good Standing dated October 4, 2002 from the Secretary of State of Kansas. BBC received a Certificate of Authority to transact business in the State of Missouri on November 16, 2001, a copy of which is attached to the original Application as Exhibit 2 and incorporated herein by reference. Although BBC has not yet transacted any business in the State of Missouri, BBC remains in good standing as a foreign corporation authorized to do business in the State of Missouri.

2. All inquiries, correspondence, communications, pleadings, notices, orders and decisions relating to the case should be addressed to:

Jeremiah D. Finnegan
Finnegan, Conrad & Peterson L.C.
3100 Broadway, Suite 1209
Kansas City, MO 64111

Steven D. Gough
Withers, Gough, Pike & Peterson LLC
O.W. Garvey Building
200 W. Douglas, Suite 1010
Wichita, Kansas 67202

and

Barry E. Beshirs, President
BBC Telephone,, Inc.
154 N. Emporia
Wichita, Kansas 67202

3. BBC proposes to provide basic local exchange telecommunications service on a facilities and resold basis, throughout all exchanges currently served by the incumbent local exchange telecommunication company of Southwestern Bell Telephone Company (SWBT). The specific SWBT exchanges within which BBC proposed to offer service are listed in the incumbent provider's local exchange tariff.

4. Pursuant to this application BBC seeks to offer and provide all forms of basic local telecommunications service, including, but not limited to residential basic local exchange telecommunications service on a prepaid basis.

5. BBC possesses the technical and managerial expertise and experience necessary to provide the service it proposes. BBC has provided similar service in Kansas since December 1999. Description of backgrounds of BBC management, which demonstrate the extensive experience and expertise, are attached to the original Application as Exhibit 3 and incorporated herein by reference. BBC also possesses the necessary financial resources as demonstrated by

the financial statements attached to the original Application as Exhibit 4 and incorporated herein by reference.

6. BBC seeks classification of itself and its services as competitive.

7. BBC will offer basic local telecommunications service, including but not limited to residential basic local exchange telecommunications service on a prepaid basis, as a separate and distinct service in accordance with applicable law. BBC will give consideration to equitable access for all Missourians, regardless of where they might reside or their income, to affordable telecommunications services in BBC's proposed service areas in accordance with applicable law.

8. BBC is willing to comply with all applicable Commission rules and is willing to meet all relevant service standards, including, but not limited to billing, quality of service, and tariff filing and maintenance. Consistent with the Commission's treatment of other certificated competitive local exchange telecommunications companies, BBC requests that the following statutes and regulations be waived for BBC and its basic local exchange service offerings:

<u>Statutes</u>	<u>Missouri Public Service Commission Rules</u>
392.210.2	4 CSR 240-10.020
392.240(1)	4 CSR 240-30.010(2)(C)
392.270	4 CSR 240-30.040
392.280	4 CSR 240-32.030(4)(C)
392.290	4 CSR 240-33.030
392.300.2	
392.310	
392.320	
392.330	
392.340	

9. BBC further requests a temporary waiver of 4 CSR 240-2.060(6)(C). This rule requires that an application for a certificate of service authority to provide interexchange, local exchange or basic local exchange service shall include a proposed tariff with a forty-five day

effective date. BBC finds it impossible at this time to develop tariffs to fully comply with this rule since BBC has not yet received Commission approval of any interconnection and/or resale agreements with incumbent local exchange carriers. At such time as all facts necessary for the development of such tariffs are known to BBC, it will promptly file said tariffs bearing no less than a 30 day effective date with the Commission in a manner consistent with recent Commission practice in similar cases. In any circumstances, applicant will file its proposed basic local exchange telecommunications service tariff no later than 30 days after Commission approval of applicant's interconnection and/or resale agreement.

10. BBC submits that the public interest will be served by Commission approval of this application because BBC's proposed services will create and enhance competition and expand customer service options consistent with the legislative goals set forth in the Federal Telecommunications Act of 1996 and Chapter 392, RSMo. Prompt approval of this application also will expand the availability of innovative, high quality, and reliable telecommunications services within the State of Missouri.

11. There are not any pending actions nor has there ever been any final unsatisfied judgments or decisions against BBC from any state or federal agency or court that involves customer service or rates.

12. BBC states that there are no annual reports or assessment fees that are overdue.

WHEREFORE, applicant BBC Telephone, Inc., respectfully requests that the Commission grant it a certificate of service authority to provide basic local telecommunications services as herein requested, classify BBC and its proposed services as competitive, and grant a waiver of the aforesaid statutes and regulations.

Respectfully submitted,

FINNEGAN, CONRAD & PETERSON, L.C.

By: 

Jeremiah D. Finnegan, MO# 18416
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3100 Broadway
Kansas City, Missouri 64111
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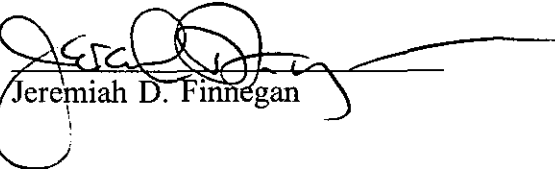
ATTORNEY FOR APPLICANT
BBC TELEPHONE, INC.

Certificate of Service

I hereby certify that a copy of this Amended Application as well as a copy of the original Application have been mailed postage prepaid this 29th day of January, 2003 to the following:

Dana K. Joyce
General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65101

John B. Coffman
Public Counsel
P.O. Box 7800
Jefferson City, MO 65102


Jeremiah D. Finnegan

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