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April 22, 2009

**VIA ELECTRONIC FILING**

Ms. Colleen Dale  
Secretary of the Commission  
Missouri Public Service Commission  
Governor Office Building  
P.O. Box 360  
Jefferson City, Missouri 65102

Re: In the Matter of Southwestern Bell Telephone Company, d/b/a AT&T Missouri's  
Application for Waiver of the General Distribution Requirement of White Page  
Directories Under 4 CSR 240-32.050(4)(B); Case No. IE-2009-0357

Dear Ms. Dale:

Enclosed is an electronic copy of Charter Fiberlink-Missouri, LLC's Application to Intervene in Opposition to AT&T Missouri's Application for Waiver and Motion for Expedited Treatment in connection with the above-referenced matter. Please file the application in your usual fashion.

If you have any questions or comments, please call the undersigned.

Sincerely,



Kennard B. Woods  
Counsel for Charter Fiberlink - Missouri, LLC

KBW/jh

Enc.

cc: Charter Fiberlink - Missouri, LLC  
(with enclosure)  
Charles A. Hudak, Esq.  
(without enclosure)

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

In the Matter of Southwestern Bell Telephone Company, d/b/a AT&T Missouri's Application for Waiver of the General Distribution Requirement of White Page Directories Under 4 CSR 240- 32.050(4)(B)	Case No. IE-2009-0357
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**Charter Fiberlink-Missouri, LLC's Application to Intervene in Opposition to AT&T  
Missouri's Application for Waiver and Motion for Expedited Treatment**

Charter Fiberlink-Missouri, LLC ("Charter"), pursuant to 4 CSR 240-2.060, 4 CSR 240-2.075, 4 CSR 240-2.080 and other applicable law, hereby respectfully states to the Missouri Public Service Commission (the "Commission") as follows:

**Charter's Authority to Maintain this Application**

1. Charter is a competitive provider of local and interexchange voice communications in Missouri. On April 5, 2001, the Commission in Case No. TA-2001-346 granted certificate of service authority to Charter to provide local and interexchange telecommunications services. Charter's certificate of service authority remains valid and is incorporated herein by reference pursuant to 4 CSR 240-2.060(1)(G). Charter is a limited liability company duly created and existing under and by virtue of the laws of the State of Delaware. Charter's principal place of business is located at 12405 Powerscourt Drive, St. Louis, Missouri 63131. Charter is authorized to do business in Missouri, having registered properly with the Missouri Secretary of State, and is in good standing with the Office of the Missouri Secretary of State, pursuant to 4 CSR 240-2.060(1)(C). *See Attachment 1 (Certificate of Good Standing for Charter Fiberlink-Missouri, LLC).*

2. The nature of Charter's business is the provision of voice communications services to residential and business customers.

3. In accordance with 4 CSR 240-2.060(1)(K), Charter states that there are no final unsatisfied judgments or decisions against it in any state or federal agency or court which involve customer service or rates for which action, judgment or decision has occurred within three (3) years of the date of this Application.

4. Pursuant to 4 CSR 240-2.060(1)(L), Charter states that it does not have any overdue annual reports or assessment fees owed to the Commission.

**Service of Documents in this Proceeding**

5. All correspondence, pleadings, orders, decisions, and communications regarding this proceeding should be sent to:

Charles A. Hudak  
Kennard B. Woods  
Friend, Hudak & Harris, LLP  
Three Ravinia Drive, Suite 1450  
Atlanta, Georgia 30346-2131  
Tel: (770) 399-9500  
Fax: (770) 395-0000  
Email: chudak@fh2.com  
kwoods@fh2.com

with copy to:

Carrie L. Cox, Esq.  
Associate General Counsel, Regulatory  
Charter Communications, Inc.  
12405 Powerscourt Drive  
St. Louis, Missouri 63131  
Tel: (314) 543-2567  
Fax: (314) 965-6640  
Email: carrie.cox@chartercom.com

### **Charter's Request for Intervention**

6. On or about April 2, 2009, Southwestern Bell Telephone Company, d/b/a AT&T Missouri, Inc. ("AT&T Missouri") filed an Application for Waiver and Motion for Expedited Treatment. AT&T Missouri seeks waiver of 4 CSR 240-32.050(4)(B), which requires that, "[u]pon issuance, a copy of the applicable directory shall be distributed by the basic local telecommunications company to its customers served by that directory . . ." Specifically, AT&T Missouri requests that the Commission allow it "the option to provide a paper copy of the residential white page telephone directory to households and businesses in its service territory only upon request (and at no charge)." AT&T Missouri also seeks expedited treatment, such that the Commission would permanently grant waiver of 4 CSR 240-32.050(4)(B) by August 1, 2009.

7. The arbitrated interconnection agreement entered into between Charter and AT&T Missouri, and approved by the Commission in Case No. TK-2006-0047, –for which Charter requests the Commission to take administrative notice, obligates AT&T Missouri to provide for each of Charter's subscribers in Missouri to:

receive one copy per primary End User listing, as provided by CLEC, of SBC-8STATE's White page directory in the same manner and at the same time that they are delivered to SBC-8STATE's subscribers during the annual delivery of newly published directories.

*See* Section 2.7 of the Appendix White Pages. Accordingly, Charter is currently in compliance with the Commission's regulations, including 4 CSR 240-32.050(4)(B).

8. Pursuant to 4 CSR 240-2.075 and other law, Charter seeks intervention. The Commission's decision in this matter will affect both the provision of directories to Charter's subscribers and Charter's interests as a provider of communications services certificated by the Commission.

9. Charter opposes the relief sought by AT&T Missouri. Intervention is sought herein so as to ensure that AT&T Missouri will continue to distribute white page directories to all of Charter's residential and business telephone subscribers. In addition to providing the listings of customers, their addresses and their telephone numbers, residential white pages directories disseminate other information of value to subscribers. *See* 4 CSR 240-32.32.050(4)(C) & (4)(D). If, however, the Commission is disposed to otherwise grant the waiver requested by AT&T Missouri, the effective date of the waiver should be delayed until alternate, reasonable and nondiscriminatory arrangements can be made through negotiations with AT&T Missouri and Charter itself receives relief through a waiver of 4 CSR 240-32.050(4)(B).

10. Charter's interests are different from those of the general public and may be adversely affected by a decision in this case. Charter provides communications services to residential and small business consumers pursuant to its certification by the Commission, and has a significant and direct interest in the provision of such services consistent with the Commission's regulations and pursuant to the aforesaid interconnection agreement. Granting the request to intervene would serve the public interest, moreover, because Charter's expertise and participation will assist in developing and resolving the issues to be decided upon by the Commission.

#### **Request For Relief**

For the foregoing reasons, Charter respectfully requests that the Commission (a) grant Charter's request for intervention, (b) deny AT&T's Application for Waiver and Motion for Expedited Treatment, and (c) direct such other and further relief as may be appropriate and as requested herein by Charter.

Respectfully submitted this 22<sup>nd</sup> day of April, 2009.

*Kennard B Woods*

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Carrie L. Cox, Esq.  
Associate General Counsel, Regulatory  
Charter Fiberlink, LLC  
12405 Powerscourt Drive  
St. Louis, Missouri 63131  
Tel: (314) 543-2567  
Fax: (314) 965-6640  
Email: carrie.cox@charter.com

**ATTACHMENT 1**

**CERTIFICATE OF GOOD STANDING**

# STATE OF MISSOURI



Robin Carnahan  
Secretary of State

**CORPORATION DIVISION  
CERTIFICATE OF GOOD STANDING**

I, ROBIN CARNAHAN, Secretary of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

**CHARTER FIBERLINK - MISSOURI, LLC**

using in Missouri the name

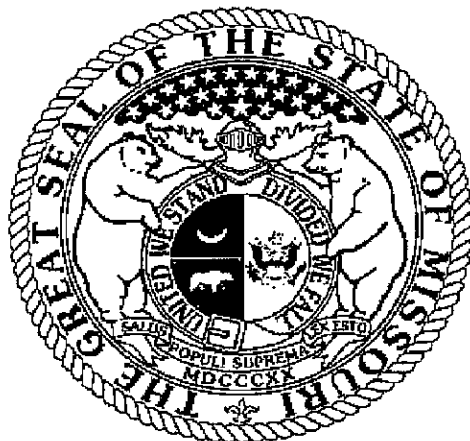
**CHARTER FIBERLINK - MISSOURI, LLC  
FL0044723**

a DELAWARE entity was created under the laws of this State on the 14th day of November, 2000, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 21st day of April, 2009

A handwritten signature in cursive script that reads "Robin Carnahan".

Secretary of State





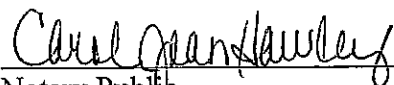
**VERIFICATION**

STATE OF GEORGIA       )  
                                      ) ss  
COUNTY OF DEKALB     )

I, Kennard B. Woods, an attorney for Charter Fiberlink-Missouri, LLC, being duly sworn upon my oath, do hereby state that I have read the foregoing document and that the facts stated therein are true and correct to the best of my knowledge, information and belief, and that I am authorized to file such document on behalf of Charter Fiberlink-Missouri, LLC.

  
Kennard B. Woods

Subscribed and sworn to before me this 22<sup>nd</sup> day of April, 2009.

  
Notary Public

My Commission Expires:  
Feb. 15, 2011



**CERTIFICATE OF SERVICE**

I hereby certify that, this 22<sup>nd</sup> day of April, 2009, copies of the foregoing have been mailed, postage prepaid, to each of the persons listed below:

Kevin Thompson  
General Counsel  
Missouri Public Service Commission  
200 Madison, Suite 100  
P.O. Box 360  
Jefferson City, Missouri 65101

Office of the Public Counsel  
200 Madison, Suite 650  
P.O. Box 2230  
Jefferson City, Missouri 65101

Leo J. Bub  
Southwestern Bell Telephone Company,  
d/b/a AT&T Missouri  
One AT&T Center, Room 3518  
St. Louis, Missouri 63101



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Kennard B. Woods                      MO #27977  
Attorneys for Applicant  
Charter Fiberlink - Missouri, LLC

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