



Greensfelder, Hemker & Gale, PC
2000 Equitable Building
10 South Broadway
St. Louis, MO 63102

Affiliate Office:
Greensfelder, Hemker & Gale
12 Wolf Creek Drive, Ste. 100
Belleville (Swansea), IL 62226

T: 314-241-9090
F: 314-241-8624
www.greensfelder.com

June 7, 2002

VIA FEDERAL EXPRESS

Missouri Public Service Commission
Attn: Secretary of the Commission
200 Madison Street, Suite 100
Jefferson City, MO 65102-0360

**Re: In the Matter of the Application of ICG Telecom Group, Inc. to Expand its
Certificate of Service Authority to Include Provision of Local Exchange
Telecommunications Service Statewide and to Continue to Classify the
Company and Its Services as Competitive; Case No. XA-2002-1079**

Dear Mr. Roberts,

Enclosed for filing with the Commission in the above-referenced case is an original and eight (8) copies of Fidelity Telephone Company's Application To Intervene.

Please stamp "Filed" on the extra copy and return it to me in the enclosed self-addressed envelope.

Thank you for your assistance.

Yours very truly,

GREENSFELDER, HEMKER & GALE, P.C.

By 
Sheldon K. Stock

SKS/jlr
Enclosures
542724.1

cc: Office of the Public Counsel
Office of the General Counsel
Carl J. Lumley, Esq.
Mr. John T. Davis
Mr. Dave Beier

In the Matter of the Application of)
ICG Telecom Group, Inc.)
to Expand Its Certificates of Service)
Authority to Include Provision of Local)
Exchange Telecommunications Service)
Statewide and to Continue to Classify)
the Company and Its Services as)
Competitive)

Case No. XA-2002-1079

COMES NOW Fidelity Telephone Company (“Fidelity”) and, pursuant to §386.420 RSMo (1998) and 4 CSR 240-2.075, respectfully requests that the Missouri Public Service Commission (“Commission”) grant it the right to intervene in the above-captioned proceeding. In support of this Application, Fidelity states as follows:

1. On May 17, 2002, ICG Telecom Group, Inc. (“ICG”), filed an application to expand its certificates of service authority to include what it calls the “provision of switched local exchange telecommunications service (other than basic local exchange service) throughout the State of Missouri.”
2. On May 28, 2002, the Commission issued its Notice of Application for Interexchange and Nonswitched Local Exchange Service Authority in this proceeding directing parties who wish to intervene to file an application by June 12, 2002.

3. Fidelity is a corporation organized and existing under the laws of the state of Missouri, with its principal place of business located at 64 North Clark, Sullivan, Missouri 63080. Fidelity is an “incumbent local exchange telecommunications company,” “interexchange telecommunications company” and a “public utility,” and is duly authorized to provide

“telecommunications service” within the State of Missouri as each of those phrases are defined in §386.020 RSMo (1998).

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

Sheldon K. Stock
Greensfelder, Hemker & Gale, P.C.
10 South Broadway, Suite 2000
St. Louis, Missouri 63102-1774
sks@greensfelder.com

Jason L. Ross
Greensfelder, Hemker & Gale, P.C.
10 South Broadway, Suite 2000
St. Louis, Missouri 63102-1774
jlr@greensfelder.com

John T. Davis
Fidelity Telephone Company
64 North Clark
Sullivan, Missouri 63080

5. Fidelity is certified to provide basic local exchange telecommunication services and interexchange telecommunication services in a specific geographic area in Missouri.

APPLICANT’S INTEREST AND POSITION IN PROCEEDING

6. Fidelity seeks to intervene in this proceeding, because it has a direct and pecuniary interest in the Commission’s decision to grant or deny ICG’s request to expand its certificates of service authority to include Fidelity’s territory.

7. Fidelity’s interests as a local exchange and interexchange telecommunications service provider differ from those of the general public. No other party to this proceeding will adequately protect Fidelity’s interests.

8. Granting of this intervention will be in the public interest because Fidelity will bring to this proceeding its expertise and experience as a telecommunications provider, and will aid the Commission in resolving the issues raised herein.

9. Because there is insufficient information currently available, Fidelity is uncertain, at this time, of the position it will take in this proceeding, but requests that the Commission require ICG (i) to identify with particularity the types of services it intends to offer in Fidelity's territory, (ii) to identify how, technically, it intends to provide such services in Fidelity's territory, i.e., by purchasing services off Fidelity's tariffs and/or by requesting Fidelity to enter into some type of interconnection agreement for the exchange of traffic, (iii) to demonstrate why such services should not be considered "basic local exchange services" under § 386.020(4) RSMo 2000 and why such services are properly characterized as "telecommunications services" offered to the "directly to the public" as opposed to "information services" or "telecommunications" offered on a private carriage basis to discrete classes of users such as ISPs, (iv) to demonstrate that its proposed services will not involve Fidelity's rural exemption under 47 U.S.C. § 251(f), and (v) to the extent that ICG intends to provide "basic local exchange services," to comply with § 392.451 RSMo 2000. Fidelity reserves its right to state its position and participate with regard to any matter or issue arising in this proceeding.

WHEREFORE, Fidelity Telephone Company respectfully requests the Commission to grant this Application to Intervene.

Respectfully submitted,

GREENSFELDER, HEMKER & GALE, P.C.

By: 

Sheldon K. Stock, MBE No. 18581

sks@greensfelder.com

Jason L. Ross, MBE No. 51428

jlr@greensfelder.com

10 South Broadway, Ste. 2000

St. Louis, Missouri 63102-1774

(314) 241-9090

(314) 241-8624 (facsimile)

Attorneys for
Fidelity Telephone Company


CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered or mailed, postage prepaid, this 14 day of June, 2002 to:

Office of the Public Counsel
P.O. Box 7800
Jefferson City, Missouri 65102

Carl J. Lumley, Esq.
Leland B. Curtis, Esq.
Curtis, Oetting, Heinz, Garrett & Soule, PC
130 S. Bemiston, Suite 200
Clayton, Missouri 63105

Office of the General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102


Sheldon K. Stock