

FISCHER & DORITY
PROFESSIONAL CORPORATION

Attorneys at Law
Regulatory & Governmental Consultants

101 Madison, Suite 400
Jefferson City, MO 65101
Telephone: (573) 636-6758
Fax: (573) 636-0383

James M. Fischer
Larry W. Dority

July 24, 2002

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street, Suite 100
P.O. Box 360
Jefferson City, Missouri 65102

FILED³

JUL 24 2002

Missouri Public
Service Commission

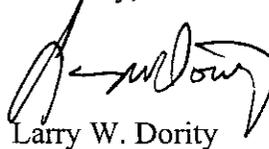
Re: Case No. CO-2002-1078

Dear Mr. Roberts:

Please find enclosed for filing with the Commission in the above-referenced case, the original and eight (8) copies of ALLTEL Missouri, Inc.'s Response in Opposition to the Office of the Public Counsel's Motion to Expand Scope of Case.

Copies of the foregoing pleading have been hand-delivered or mailed this date to counsel of record. Thank you for your attention to this matter.

Sincerely,



Larry W. Dority

Enclosures

cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED³
JUL 24 2002

Missouri Public
Service Commission

In the Matter of the Investigation of the)
Status of Prepaid Local Service Providers)
As Alternative Local Exchange Competitors) Case No. CO-2002-1078
Under Section 392.245, RSMo.)

**ALLTEL MISSOURI, INC.'S
RESPONSE IN OPPOSITION
TO THE OFFICE OF THE PUBLIC COUNSEL'S
MOTION TO EXPAND SCOPE OF CASE**

COMES NOW ALLTEL Missouri, Inc. (ALLTEL), pursuant to 4 CSR 240-2.080(16), and for its Response in Opposition to the Motion of the Office of the Public Counsel to Expand Scope of Case, respectfully states as follows:

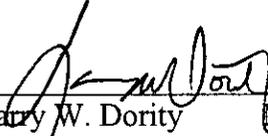
1. On July 17, 2002, the Office of the Public Counsel ("Public Counsel") filed its Motion to Expand Scope of Case ("Motion to Expand"), wherein it requests the Commission "to broaden the scope of this case to include consideration of the status of all types of resellers of local service as alternative local exchange competitors under Section 352.245, RSMo." (emphasis added) Public Counsel bases its request on the fact that the Staff of the Commission has attempted to interject such issue in two other proceedings, Case Nos. TC-2002-1076 and IO-2002-1083.

2. ALLTEL filed its Application to Intervene and Suggestions in Opposition to the Office of the Public Counsel's Motion to Establish Case and to Conduct an Investigation ("Suggestions in Opposition"), in this matter on June 24, 2002. ALLTEL's application to intervene was granted by the Commission's Order Granting Interventions issued July 11, 2002.

3. In its Suggestions in Opposition, ALLTEL set forth the many reasons why the Commission should deny Public Counsel's original Motion to establish a case and conduct an investigation. Nothing is contained in Public Counsel's Motion to Expand that was not addressed in ALLTEL's Suggestions in Opposition, and ALLTEL reiterates and incorporates by reference herein its Suggestions in Opposition. As noted in Paragraph 5 of the Suggestions in Opposition, whether an alternative local exchange telecommunications company is a reseller and provides prepaid local service is immaterial under the price cap statute. All that is required by Section 392.245.2 is that the company hold a certificate to provide basic local telecommunications service and that it is providing service in the incumbent's service area. As the Commission previously held: "Significantly, the statutes make no distinction in the requirements for facilities-based competitors and resellers." See *In the Matter of the Petition of Southwestern Bell Telephone Company for a Determination that it is Subject to Price Cap Regulation Under Section 392.245, RSMo Supp. 1996*, 6 Mo.P.S.C. 3d 493, 505 (September 1997). In its Motion to Expand, Public Counsel notes that it does not agree with Staff's position concerning whether the operation of resellers other than prepaid can trigger the price cap election. (Motion to Expand, p. 1) Accordingly, such opposition to Staff's position should be added to the many reasons for denying Public Counsel's original Motion, rather than justifying the expansion of an ill-conceived request to establish a case and conduct an investigation.

WHEREFORE, for all of the foregoing reasons, ALLTEL Missouri, Inc. respectfully requests the Commission to deny Public Counsel's Motion to Establish Case and to Conduct an Investigation and its Motion to Expand Scope of Case.

Respectfully submitted,



Larry W. Dority MBN 25617
FISCHER & DORITY, P.C.
101 Madison Street, Suite 400
Jefferson City, Missouri 65101
Tel.: (573) 636-6758
Fax: (573) 636-0383
Email: lwdority@sprintmail.com

Attorneys for ALLTEL Missouri, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was hand-delivered or mailed, United States Mail, postage prepaid, this 24th day of July, 2002, to:

Michael Dandino
Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

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

Cliff Snodgrass, Senior Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

W.R. England, III
Sondra Morgan
Brydon, Swearngen & England
P.O. Box 456
Jefferson City, MO 65102

Craig Johnson
Andereck, Evans, Milne, Peace & Johnston
700 East Capitol, P.O. Box 1438
Jefferson City, MO 65102

Sheldon K. Stock
Jason Ross
Greensfelder, Hemker & Gale
10 South Broadway, Ste. 2000
St. Louis, MO 63102-1774



Larry W. Dority