

DEPARTMENT OF PUBLIC SERVICE REGULATION
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IN THE MATTER OF CABLE &)
COMMUNICATIONS CORPORATION)
DBA MID-RIVERS CELLULAR)
Application for Designation as an Eligible)
Telecommunications Carrier)

UTILITY DIVISION

DOCKET NO. D2003.8.105

IN THE MATTER OF 3 RIVERS PCS,)
INC., dba 3 RIVERS WIRELESS,)
Application for Designation as an Eligible)
Telecommunications Carrier)

DOCKET NO. D2003.10.156

IN THE MATTER OF INTERBEL)
WIRELESS, INC.)
Application for Designation as an Eligible)
Telecommunications Carrier)

DOCKET NO. D2004.1.5

IN THE MATTER OF TRIANGLE)
COMMUNICATION SYSTEM, INC.)
Application for Designation as an Eligible)
Telecommunications Carrier)

DOCKET NO. D2004.1.6

IN THE MATTER OF SAGEBRUSH)
CELLULAR, INC.)
Application for Designation as an Eligible)
Telecommunications Carrier)

DOCKET NO. D2004.1.7

IN THE MATTER OF NORTHERN)
COMMUNICATIONS, INC.)
Application for Designation as an Eligible)
Telecommunications Carrier)

DOCKET NO. D2004.1.8

IN THE MATTER OF INTERBEL)
TELEPHONE COOPERATIVE, INC.)
Application for Designation as an Eligible)
Telecommunications Carrier)

DOCKET NO. D2000.5.64

MONTANA INDEPENDENT TELECOMMUNICATIONS SYSTEMS

MOTION TO STAY OR SUSPEND PROCEEDINGS

On behalf of itself and its members, Montana Independent Telecommunications Systems (MITS), Post Office Box 5237, Helena, MT 59604-5237, herein files a Motion to Stay or Suspend Proceedings in the above captioned petitions for designation as eligible telecommunications carriers (ETC) in areas served by Montana's rural telecommunications carriers.

MITS has direct and substantial interests in these proceedings. MITS has been granted intervention in Docket D2003.8.105, the petition of CABLE & COMMUNICATIONS CORPORATION DBA MID-RIVERS CELLULAR for ETC designation. MITS intends to file a timely intervention in Docket D2003.10.156, the petition of 3 RIVERS PCS, INC., dba 3 RIVERS WIRELESS for ETC designation. MITS represents the petitioning applicants in the remaining dockets captioned above: Docket D2004.1.5, the petition of INTERBEL WIRELESS, INC. for ETC designation; Docket D2004.1.6, the petition of TRIANGLE COMMUNICATION SYSTEM, INC. for ETC designation; Docket D2004.1.7, the petition of SAGEBRUSH CELLULAR, INC. for ETC designation; Docket D2004.1.8, the petition of NORTHERN COMMUNICATIONS, INC. for ETC designation; and Docket D2000.5.64, the petition of INTERBEL TELEPHONE COOPERATIVE, INC. for ETC designation.

Among MITS' interests are precedents that may be established with respect to Public

Service Commission (PSC or Commission) determinations of whether and in what manner the petitioning companies offer the requisite supported services established by the Federal Communications Commission (FCC) for ETC designation, as well as any public interest analysis the Commission deems appropriate in the course of the proceedings. Such determinations may affect any pending applications for ETC designation in the rural areas served by MITS' members, as well as future applications for ETC designations. Further, all of MITS' current Montana members are already designated as ETCs and are interested in the potential impact of ETC designations within areas served by Montana's rural telecommunications carriers on the size and continued viability of the federal universal service funding mechanisms and any possible state universal service funding mechanism. MITS' members are concerned that the lack of clearly defined minimal public interest standards and quality of service expectations for ETC designation may have the unintended consequence of actually reducing service quality and service offerings for Montana telephone consumers.

On the same date as this filing of the Motion to Stay or Suspend the above captioned dockets, MITS and the Montana Telecommunications Association (MTA), the two trade associations representing rural telecommunications service providers in Montana, jointly filed with the PSC a Petition for Rulemaking. The joint Petition for Rulemaking asks that the PSC adopt rules pertaining to the designation of eligible telecommunications carriers. The petition requests the PSC to adopt rules establishing the meaning of "public interest" for the purposes of ETC designation. The petition proposes specific uniform minimum standards for determination of "public interest" for ETC designation in areas served by rural telephone companies. The petition

further requests that all ETC application proceedings for service areas of rural telephone companies be temporarily stayed or suspended pending the outcome of the rulemaking proceeding so that uniform public interest standards may be imposed by the PSC prior to any ETC determination on a case-by-case basis.

It is the position of MITS and its member companies that ETC designations in rural areas are of paramount importance not only to themselves but also to the telephone customers in rural Montana. In light of the gravity of ETC designations and the consequences of ETC designation on both incumbent and competitive local exchange carriers, MITS and its member companies, supported by MTA and its member companies, request that the Commission not proceed with determinations of rural ETC designations on a piecemeal, case-by-case basis, absent clearly defined minimum standards and criteria for public interest determination. Rather, MITS asks that the Commission temporarily stay or suspend all petitions for ETC designation, initiate a rulemaking proceeding to establish minimum public interest criteria, and then apply that minimum public interest standard uniformly and consistently to all ETC applications, including those currently pending.

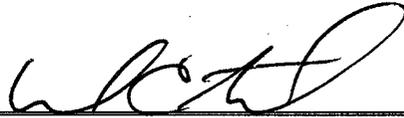
MITS, being a party to each of the pending rural ETC applications before the Commission, recognizes the workload demands on the Commission, its staff, and all parties to the pending ETC dockets. MITS believes that a preliminary determination of minimum public interest criteria, standards and expectations through one comprehensive rule-making proceeding is far more efficient than using the Commission, its staff and parties' resources to review the same or similar issues in multiple case-by-case proceedings absent clear criteria, standards and

expectations defined by Commission rule.

MITS requests a Stay or Suspension of the above captioned dockets since the PSC must separately determine, in each of the seven individual petitions for ETC designation, the very public interest standard that is the subject of the proposed rule-making filed on this date.

Granting the Motion to Temporarily Stay or Suspend the pending ETC dockets and proceeding to establish public interest criteria through a comprehensive rule-making proceeding will ensure that rural Montanans continue to have universal access to comparable telecommunications service at comparable rates as envisioned by the Federal Telecommunications Act of 1996 and the Montana Telecommunications Act of 1997.

RESPECTFULLY SUBMITTED this th 13 day of February, 2004.



Michael C. Strand
CEO and General Counsel
Montana Independent Telecommunications Systems
MITS