

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Halo Wireless, Inc.,)	
)	
Complainant)	
)	
v.)	Case No. TC-2012-0331
)	
Craw-Kan Telephone Cooperative, Inc. et al.,)	
)	
Respondents)	

ALMA TELEPHONE COMPANY ET AL. AND
CRAW-KAN TELEPHONE COOPERATIVE ET AL.'S
REQUEST FOR OFFICIAL NOTICE

COME NOW Respondents Alma Telephone Company et al. and Craw-Kan Telephone Cooperative, Inc. et al. ("Small Company Respondents") and for their request for official notice of public documents on file with the Missouri Public Service Commission ("Commission") and United States Federal District Court for the Western District of Missouri, state to the Commission as follows:

1. **The Commission's Rules of Evidence.** The Commission's Rules of Evidence state:

If any information contained in a document on file as a public record with the commission is offered in evidence, the document need not be produced as an exhibit unless directed otherwise by the presiding officer, but may be received in evidence by reference, provided that the particular portions of the document shall be specifically identified and are relevant and material. The information may be assigned an exhibit number for identification.

4 CSR 240-2.130(2). Thus, public documents on file with the Commission may be received into evidence by reference.

2. **Official Notice.** Missouri's Administrative Procedure Act allows the Commission to take official notice in the same manner as courts. "Agencies shall take official notice of all matters of which the courts take judicial notice." §536.070(6) RSMo.

3. **Judicial Notice.** Missouri courts may take judicial notice "of proceedings in other courts that relate directly to matters at issue." *Great Plains Trust Co. v. Union Pac. R.R. Co.*, 492 F.3d 986, 996 (8th Cir. 2007). Courts may take judicial notice of other proceedings when the cases are interwoven or interdependent. *Environmental Utilities, LLC v. Public Service Comm'n of Missouri*, 291 S.W.3d 256, 265 (Mo. App. WD 2007).

4. **Documents and Public Records for Reference and Official Notice.** Alma Telephone Company et al. and Craw-Kan Telephone Cooperative, Inc. et al. request administrative and official notice of the following documents in the Commission's own files and related court proceedings.

A. AT&T/Halo Interconnection Agreement Proceedings in Missouri¹

1. AT&T June 29, 2010 letter filing Halo-AT&T Interconnection Agreement Adoption
2. Missouri PSC June 30, 2010 letter recognizing Halo-AT&T Interconnection Agreement Adoption
3. AT&T Halo IA June 30, 2010 Amendment Approval Request, IK-2010-0384
4. Staff August 10, 2010 Recommendation to Approve Halo-ATT Interconnection Agreement Amendment, Case No. IK-2010-0384
5. *Order Approving Interconnection Agreement*, Case No. IK-2010-0384, August 29, 2010

B. Missouri Small Company Access Tariffs and Concurrences

1. Craw-Kan Telephone Cooperative, Inc.
 - PSC Mo. No. 2 Consolidated, Sheets No. 1.1 – 1.1.1.1.2

¹ Copies of the AT&T/Halo ICA documents are difficult to locate on EFIS, so PDF copies are attached.

2. Ellington Telephone Company
 - PSC Mo. No. 3, Section II, Sheets No. 2 – 2.1.1
3. Goodman Telephone Company
 - PSC Mo. No. 4, Sheets No. 5.1 – 5.1.1.1
4. Granby Telephone Company
 - PSC Mo. No. 4 Consolidated, Section II, Sheets No. 2 – 2.01.1
5. Iamo Telephone Company
 - PSC Mo. No. 2 Consolidated, Part VII, Sheets No. 4 – 4.1.1
6. Le-Ru Telephone Company
 - PSC Mo. No. 2 Consolidated, Section II, Sheets No. 2 – 2.1.1
7. McDonald County Telephone Company
 - PSC Mo. No. 5, Sheets No. 14.1 – 14.3.1
8. Miller Telephone Company
 - PSC Mo. No. 5, Section 4, Sheets No. 1 – 2.1
9. Ozark Telephone Company
 - PSC Mo. No. 2 (Entirety)
10. Rock Port Telephone Company
 - PSC Mo. No. 2, Sheets No. 10-1 – 10-3
11. Seneca Telephone Company
 - PSC Mo. No. 5, Section I, Sheets No. 15.1 – 15.1.1
12. Alma Communications Co. d/b/a Alma Telephone Company
 - PSC Mo No 3, Sheets No. 40.1, 40.2, and 40.2.1
13. Choctaw Telephone Company
 - PSC Mo No 1, Sheet Nos. 30, 30.1, and 30.1.1
14. MoKan Dial, Inc.
 - PSC Mo No 2, Sheet Nos. 7, 7.1, and 7.1.1
15. Peace Valley Telephone Company, Inc.
 - PSC Mo. No. 1, Sheets No. 13 – 13.1.1.a
16. Oregon Farmers Mutual Telephone Company
 - PSC Mo. No. 6, Sheets No. 1 – 146

C. Halo Wireless Federal Court Litigation in Missouri

1. *Halo Wireless, Inc. v. Citizens Telephone Co. of Higginsville et al.*, United States District Court for the Western District of Missouri, 4:11-cv-00682-FJG, *Complaint filed by Halo Wireless, Inc.*, July 7, 2011 (EFIS Case No. AP11-00682, Item #1 and Exhibits 1-1 through 1-15).
2. *Halo Wireless, Inc. v. Citizens Telephone Co. of Higginsville et al.*, United States District Court for the Western District of Missouri, 4:11-cv-00682-FJG, *Suggestions in Support of Defendants' Joint Motion to Abstain and To Dismiss filed by Citizens Telephone Company et al.*, August 19, 2011 (EFIS Case No. AP11-00682 Item #61 and Attachment A).

Respectfully submitted,

By: **/s/ Brian T. McCartney**

W.R. England, III Mo. #23975
Brian T. McCartney Mo. #47788
Brydon, Swearengen & England P.C.
312 East Capitol Avenue
Jefferson City, MO 65102-0456
trip@brydonlaw.com
bmccartney@brydonlaw.com
(573) 635-7166
(573) 634-7431 (Fax)

Attorneys for Craw-Kan et al.

/s/Craig S. Johnson

Craig S. Johnson Mo. #28179
Johnson & Sporleder, LLP
304 E. High St., Suite 200
P.O. Box 1670
Jefferson City, MO 65102
(573) 659-8734
(573) 761-3587 FAX
cj@cjaslaw.com

Attorney for Alma Telephone et al.

CERTIFICATE OF SERVICE

I hereby certify that Copies of this document were served on the following parties by e-mail on June 25, 2012:

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

Lewis Mills
Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Jennifer M. Larson
Troy P. Majoue
Steven Thomas
McGuire, Craddock & Strother, PC
jl Larson@mcslaw.com
tmajoue@mcslaw.com
sthenas@mcslaw.com

W. Scott McCollough
McCollough Henry PC
wsmc@dotlaw.biz

Louis A. Huber, III
Daniel R. Young
Schlee, Huber McMullen & Krause, PC
dyoung@schleehuber.com
lhuber@schleehuber.com

Leo Bub
AT&T Missouri
leo.bub@att.com

/s/ Brian T. McCartney