

LAW OFFICES
BRYDON, SWEARENGEN & ENGLAND
PROFESSIONAL CORPORATION

DAVID V.G. BRYDON
JAMES C. SWEARENGEN
WILLIAM R. ENGLAND, III
JOHNNY K. RICHARDSON
GARY W. DUFFY
PAUL A. BOUDREAU
SONDRA B. MORGAN
CHARLES E. SMARR
DEAN L. COOPER

312 EAST CAPITOL AVENUE
P.O. BOX 456
JEFFERSON CITY, MISSOURI 65102-0456
TELEPHONE (573) 635-7166
FACSIMILE (573) 634-7431
E-MAIL: BTMBSE@AOL.COM

MARK G. ANDERSON
TIMOTHY T. STEWART
GREGORY C. MITCHELL
RACHEL M. CRAIG
BRIAN T. MCCARTNEY
DALE T. SMITH

OF COUNSEL
RICHARD T. CIOTTONE

February 25, 2000

FILED²

FEB 25 2000

Missouri Public
Service Commission

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

T0-2000-529

Re: Interconnection Agreement between ALLTEL Communications and TDS Telecom

Dear Mr. Roberts:

Enclosed for filing with the Commission please find an original and fourteen (14) copies of following documents:

- (1) ALLTEL Communications, Inc. and TDS Telecommunications Corporation's Application for Approval of Interconnection Agreement under the Telecommunications Act of 1996; and
- (2) ALLTEL Communications, Inc.'s Motion for Admission Pro Hac Vice.

The Agreement between TDS Telecommunications Corporation ("TDS") and ALLTEL Communications, Inc. ("ALLTEL") is the result of negotiation and compromise, and there are no outstanding issues that need the assistance of mediation or arbitration. TDS and ALLTEL file this Agreement seeking Commission approval of its terms and conditions consistent with the Federal Act and Missouri law. The implementation of this Agreement is consistent with the public interest, convenience, and necessity and does not discriminate against any telecommunications carrier.

Please see that this filing is brought to the attention of the appropriate Commission personnel. If there are any questions regarding this filing, please feel free to give me a call at your convenience. Otherwise, I thank you in advance for your cooperation in this matter.

Sincerely,

Brian T. McCartney

Brian T. McCartney

BTM/da

cc: Linda Lowrance
Dan Klinedinst
Michael Dandino
Dan Joyce

FILED²

FEB 25 2000

Missouri Public
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Joint Application of ALLTEL Communications, Inc.)
and TDS Telecommunications Corporation)
for Approval of an Interconnection Agreement)
under the Telecommunications Act of 1996)

Case No. 10-2000-529

**JOINT APPLICATION OF ALLTEL COMMUNICATIONS, INC. AND
TDS TELECOM, INC. FOR APPROVAL OF INTERCONNECTION AGREEMENT
UNDER THE TELECOMMUNICATIONS ACT OF 1996**

COME NOW ALLTEL Communications, Inc. (hereinafter "ALLTEL Mobile") and
TDS Telecommunications Corporation (hereinafter "TDS" or "TDS Telecom") (TDS and
ALLTEL Mobile being referred to collectively as "Applicants"), and hereby file their Joint
Application for Approval of Interconnection Agreement between ALLTEL Mobile and TDS
Telecom under the Telecommunications Act of 1996 ("the Act"). In support of this
Application, Applicants state to the Missouri Public Service Commission ("Commission") as
follows:

I. INTERCONNECTION AGREEMENT REACHED

ALLTEL Mobile is a commercial mobile radio service ("CMRS") provider operating
in Missouri. TDS is a local exchange carrier acting through its three subsidiary telephone
companies in Missouri: New London Telephone Company, Orchard Farm Telephone Company,
and Stoutland Telephone Company.

On October 19, 1999, after good faith negotiations, ALLTEL Mobile and TDS
executed a wireless interconnection agreement ("the Agreement") for the state of Missouri
pursuant to the terms of the Federal Act (*see* Agreement, Attachment I). Pursuant to Section

252(e)(1) of the Act, Applicants hereby submit this Agreement for approval by the Commission. The interconnection agreement complies fully with Section 252(e) of the Federal Act because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. The Agreement consists of five (5) pages and includes one (1) appendix. There are no outstanding issues between TDS and ALLTEL Mobile that need the assistance of mediation or arbitration.

II. REQUEST FOR APPROVAL

Applicants seek the Commission's approval of the Agreement, consistent with the provisions of the Federal Act and Missouri law. Applicants represent that the implementation of this negotiated and executed Agreement complies fully with both Missouri law and Section 252(e) of the Federal Act because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. Applicants respectfully request that the Commission grant expeditious approval of this Agreement, without change, suspension or delay in its implementation. This is a bilateral agreement, reached as a result of negotiations and compromise between the parties.

Correspondence, orders and decisions in this matter should be addressed to:

Linda Lowrance
TDS Telecom, Inc.
P.O. Box 22995
Knoxville, TN 37933-0995

Brian T. McCartney
Brydon, Swearngen & England P.C.
P.O. Box 456
Jefferson City, MO 65102-0456

Dan Klinedinst
ALLTEL Communications, Inc.
One Allied Drive
Little Rock, AR 72202

Stephen B. Rowell
ALLTEL Communications, Inc.
One Allied Drive
Little Rock, AR 72202

III. COMMISSION AUTHORITY

Under the Federal Telecommunications Act of 1996 ("the Act"), the Commission has the authority to review the terms and conditions of the interconnection of telecommunications carriers' networks within the state of Missouri, including voluntarily negotiated agreements for transport and termination of traffic. The Commission has the authority to grant the relief requested by the Applicants. Specifically, Section 252(a) of the Act provides:

(a) AGREEMENTS ARRIVED AT THROUGH NEGOTIATION

(1) **VOLUNTARY NEGOTIATIONS.** -- Upon receiving a request for interconnection, services, or network elements pursuant to section 251, an incumbent local exchange carrier may negotiate and enter into a binding agreement with the requesting telecommunications carrier or carriers without regard to the standards set forth in subsections (b) and (c) of section 251. The agreement shall include a detailed schedule of itemized charges for interconnection and each service or network element included in the agreement. The agreement, including any interconnection agreement negotiated before the date of enactment of the Telecommunications Act of 1996, shall be submitted to the State commission under subsection (e) of this section.

III. STANDARD OF REVIEW

Under Section 252 of the Act, the Commission has the authority to approve an interconnection agreement negotiated between an incumbent local exchange company (ILEC) and other telecommunications carriers. The Commission may only reject an interconnection agreement if the agreement is discriminatory to a nonparty or is inconsistent with the public interest, convenience, and necessity. Section 252 of the Act provides as follows:

(e) APPROVAL BY STATE COMMISSION

(1) **APPROVAL REQUIRED.**— Any Interconnection Agreement adopted by negotiation or arbitration shall be submitted for approval to the State commission. A State commission to which an agreement is submitted to shall approve or reject the agreement, with written findings as to any deficiencies.

(2) **GROUND FOR REJECTION.**-- The State Commission may only reject –

(1) an agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that –

(1) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or

(2) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity; or

The affidavit of Linda Lowrance, Manager – Interconnection for TDS establishes that the Agreement submitted herein satisfies these standards. (Affidavit, Attachment II)

IV. EXEMPTIONS

Section 251(f)(1) of the Act exempts certain rural telephone companies from the additional interconnection requirements contained in Section 251(c). Thus, although all ILECs, as telecommunications carriers, have the duty to interconnect, not all ILECs have to meet the additional interconnection requirements imposed by Section 251(c) of the Act.¹ As a rural carrier, TDS is not required to meet the additional interconnection requirements of Section

¹ Section XI of the Agreement states: “This Agreement is not an interconnection agreement *under 47 USC 251(c)*. The parties acknowledge that TDS is entitled to a rural exemption as provided by 47 USC 251(f) and TDS does not waive such exemption.” (emphasis added)

251(c). The Joint Applicants sought to highlight in Section XI of their Agreement that, while they are submitting a Section 251 Interconnection Agreement to this Commission for approval, it is not an interconnection agreement under Section 251(c), and TDS has not waived its Section 251(f)(1) rural exemption.

V. CONCLUSION

For the reasons set forth above, Applicants respectfully request the Commission to approve the Agreement between TDS Telecom and ALLTEL Mobile expeditiously, and for such other orders as are reasonable in the circumstances.

WHEREFORE, Applicants respectfully request the Commission to issue an Order that: (1) approves the voluntarily negotiated interconnection agreement between TDS Telecom and ALLTEL Mobile, (2) directs the Joint Applicants to file an executed copy of the Agreement with the Commission, and (3) grants such other relief as is reasonable in the circumstances.

TDS Telecom, Inc.

By Brian T. McCartney

Brian T. McCartney Mo. #47788
BRYDON, SWEARENGEN & ENGLAND P.C.
312 East Capitol Avenue, P.O. Box 456
Jefferson City, MO 65102-0456
(573) 635-7166
(573) 634-7431 (FAX)

ALLTEL Communications, Inc.

By Stephen B. Rowell

Stephen B. Rowell AR Bar # 81037
ALLTEL Communications, Inc.
One Allied Drive
Little Rock, AR 72202
(501) 905-8460
(501) 905-5489 (FAX)


VERIFICATION OF APPLICATION

I, Linda Lowrance, Manager - Interconnection for TDS Telecommunications Corporation and pursuant to 4 CSR 240-2.060(F), hereby swear and affirm that I am authorized to speak on behalf of the Applicant TDS Telecommunications Corporation and to attest to the veracity of the statements contained in this application.


Linda Lowrance

State of In)
County of Knox) SS

I, Linda G. Perry, a Notary Public do hereby certify that on this 23 day of February, 2000 personally appeared before me Linda Lowrance who declared that all of the information contained herein above is true, to the best of her knowledge and belief.


Notary Public

My Commission expires:

4-2-2001



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or hand-delivered on this 25th day of February, 2000, to the following parties:

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

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

Brian T. McCartney
Brian T. McCartney