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December 20, 1999

FILED

DEC 21 1999

Mr. Dale Hardy Roberts
Chief Administrative Law Judge
Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

**Missouri Public
Service Commission**

Re: Modern, Northeast, Mid Missouri and MoKan v. Southwestern Bell, TC- 2000-375

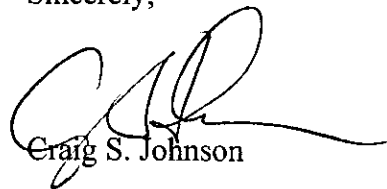
Dear Mr. Roberts:

Enclosed please find an original and 15 copies of a formal Complaint filed on behalf of the above referenced companies against Southwestern Bell Telephone Company.

A copy of this letter, and a copy of the enclosures has this day has also been served upon Leo Bub, attorney for Southwestern Bell, Michael Dandino, Office of Public Counsel, and Daniel Joyce, General Counsel for the Commission.

Thank you for seeing this filed.

Sincerely,



Craig S. Johnson

CSJ/ksw
enclosure

cc: Leo Bub
Michael Dandino
Dan Joyce
Trip England
Mid Missouri Group Managers

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BEFORE THE PUBLIC SERVICE COMMISSION

STATE OF MISSOURI

FILED

DEC 21 1999

In the Matter of the Joint Complaint of)
Modern Telecommunications Co.,)
Northeast Missouri Rural Telephone)
Co., Mid-Missouri Telephone Co., and)
MoKan Dial Inc. against Southwestern)
Bell Telephone Company for an Order)
Requiring Southwestern Bell to Pay for)
Wireless Originated Traffic Terminated)
to Modern, Northeast, Mid-Missouri, and)
MoKan Dial.)

Missouri Public
Service Commission

Case No. TC 2000-375

JOINT COMPLAINT

Joint Complainants Modern Telecommunications Co., Northeast Missouri Rural Telephone Company, Mid-Missouri Telephone Company, and MoKan Dial, Inc., pursuant to 4 CSR 240-2.070(1), file this Complaint with the Missouri Public Service Commission against Southwestern Bell Telephone Company. SWB has violated a Commission Order by not complying with its obligation to pay for wireless originated calls terminating to Modern, Northeast, Mid-Missouri, and MoKan over the facilities of SWB. The wireless carriers have refused to pay bills for such traffic, and these wireless carrier do not have a reciprocal compensation agreement with Modern, Northeast, Mid-Missouri and MoKan.

In support of their Joint Complaint, Modern, Northeast, Mid-Missouri and MoKan state:

Facts common to all of the joint complaints

1. Modern, Northeast, Mid-Missouri and MoKan are all corporations operating as telecommunications carriers authorized to do business in the State of Missouri. Modern, Northeast, Mid-Missouri and MoKan are all "local exchange telecommunications companies" and "public utilities" duly authorized to provide telecommunications service within the state of Missouri.

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

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ATTORNEYS FOR COMPLAINANTS

3. Southwestern Bell Telephone Company is a Missouri Corporation, and a public utility providing telecommunications services subject to regulation by the Commission. SWB has its principal office in Missouri located at One Bell Center, St. Louis, Missouri, 63101.

4. Pursuant to Commission Order dated December 23, 1997 in Case No. TT-97-524, since February 5, 1998 the Commission allowed SWB to deliver wireless carrier originated traffic to Modern, Northeast, Mid-Missouri and MoKan for termination.

5. The terms of this Order stated that the wireless carriers are primarily liable to Modern, Northeast, Mid-Missouri and MoKan for compensation for this traffic. The

terms of this Order stated that in the event the wireless carrier refuses to pay Modern, Northeast, Mid-Missouri and MoKan, and does not have a compensation agreement with Modern, Northeast, Mid-Missouri and MoKan, SWB would remain secondarily liable to Modern, Northeast, Mid-Missouri and MoKan for the termination of this traffic, and that SWB would be entitled to indemnity from the wireless carrier upon payment of the loss. This complaint arises from SWB's violation of that Order, and the Commission has jurisdiction over this complaint.

6. Upon appeal in Cole County Circuit Court Case No. CV198-178CC, it was held that the Commission's Order did not foreclose Modern, Northeast, Mid-Missouri and MoKan from other appropriate means of being compensated, and did not foreclose Modern, Northeast, Mid-Missouri and MoKan from applying their intrastate access tariffs to this traffic.

7. The Commission also approved CTUSR reports whereby SWB would report to Modern, Northeast, Mid-Missouri, and MoKan the volumes of traffic terminated by SWB to these companies. In reliance upon those CTUSRs, Modern, Northeast, Mid-Missouri, and MoKan have billed the designated carrier for the designated volumes of traffic.

8. After receiving these bills, the wireless carriers have refused to pay them.

9. These wireless carriers do not have any compensation agreements with Modern, Northeast, Mid-Missouri and MoKan.

10. Modern, Northeast, Mid-Missouri and MoKan have made direct contact with SWB requesting that SWB honor its secondary liability, but SWB has refused.

Complaint of Modern

11. Modern incorporates by reference as if set forth fully herein the allegations of paragraphs 1 through 10.

12. Modern is due the following amounts for cellular originated traffic terminated by the following wireless carriers through the November 1, 1999 CABS billing cycle:

SWB Wireless	\$	56,373.55
US Cellular		56,788.67
Aerial		650.77
Ameritech		1,183.88
AWZ		0.11
CMT		934.56
Nextel		3.15
Sprint		286.08

13. Wireless carriers continue to terminate large quantities of traffic without compensating Modern every month, which apparently will require Modern to repeatedly bill the wireless carriers, upon non-payment demand that SWB honor its secondary liability, and upon refusal file similar complaints as this with the Commission.

WHEREFORE, on the basis of the foregoing, Modern requests that the Commission enter an order directing SWB to pay the amounts set forth above, that the Commission indicate in what intervals it wishes Modern to institute subsequent complaints for subsequent periods should that become necessary, together with such other and further relief as the Commission deems appropriate.

Complaint of Northeast

14. Northeast incorporates by reference as if set forth fully herein the allegations of paragraphs 1 through 10.

15. Northeast is due the following amounts for cellular originated traffic terminated by the following wireless carriers through the November 1, 1999 CABS billing cycle:

SWB Wireless	\$	53,497.02
US Cellular		57,007.42
Aerial		852.96
Ameritech		970.78
CMT		896.88
Nextel		1.92
Sprint		355.89

16. Wireless carriers continue to terminate large quantities of traffic without compensating Northeast every month, which apparently will require Northeast to repeatedly bill the wireless carriers, upon non-payment demand that SWB honor its secondary liability, and upon refusal file similar complaints as this with the Commission.

WHEREFORE, on the basis of the foregoing, Northeast requests that the Commission enter an order directing SWB to pay the amounts set forth above, that the Commission indicate in what intervals it wishes Northeast to institute subsequent complaints for subsequent periods should that become necessary, together with such other and further relief as the Commission deems appropriate.

Complaint of Mid-Missouri

17. Mid-Missouri incorporates by reference as if set forth fully herein the allegations of paragraphs 1 through 10.

18. Mid-Missouri is due the following amounts for cellular originated traffic terminated by the following wireless carriers through the November 1, 1999 CABS billing cycle:

SWB Wireless	\$	4,421.38
US Cellular		8,132.75
Aerial		1,616.36
Ameritech		34,512.97
Alltel Mobile		16.59
AWZ		1.48
CMT		1,792.80
Nextel		4.78
Sprint		587.07
Total Risk Management		0.61

19. Wireless carriers continue to terminate large quantities of traffic without compensating Mid-Missouri every month, which apparently will require Mid-Missouri to repeatedly bill the wireless carriers, upon non-payment demand that SWB honor its secondary liability, and upon refusal file similar complaints as this with the Commission.

WHEREFORE, on the basis of the foregoing, Mid-Missouri requests that the Commission enter an order directing SWB to pay the amounts set forth above, that the Commission indicate in what intervals it wishes Mid-Missouri to institute subsequent complaints for subsequent periods should that become necessary, together with such other and further relief as the Commission deems appropriate.

Complaint of MoKan Dial

20. MoKan Dial incorporates by reference as if set forth fully herein the allegations of paragraphs 1 through 10.

21. MoKan Dial is due the following amounts for cellular originated traffic terminated by the following wireless carriers through August 1, 1999:

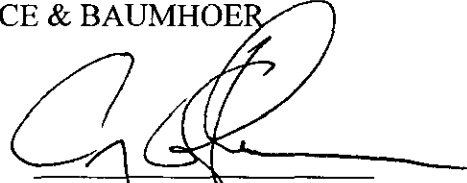
Aerial	\$	3,896.88
Ameritech		90.98
CMT		7,587.60
nextel		1,849.17
SWB Wireless		12,881.09
Sprint		3,743.01
US Cellular		135.00

22. Wireless carriers continue to terminate large quantities of traffic without compensating MoKan Dial every month, which apparently will require MoKan Dial to repeatedly bill the wireless carriers, upon non-payment demand that SWB honor its secondary liability, and upon refusal file similar complaints as this with the Commission.

WHEREFORE, on the basis of the foregoing, MoKan Dial requests that the Commission enter an order directing SWB to pay the amounts set forth above, that the Commission indicate in what intervals it wishes MoKan Dial to institute subsequent complaints for subsequent periods should that become necessary, together with such other and further relief as the Commission deems appropriate.

ANDERECK, EVANS, MILNE
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By:



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