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April 7, 2004

FILED

APR 07 2004

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

Missouri Public  
Service Commission

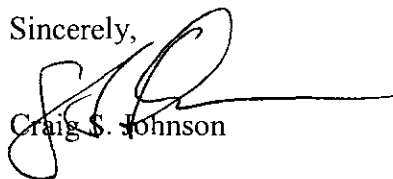
Re: Application of Mid-Missouri Telephone Company for Approval of a Traffic Termination Agreement under the Telecommunications Act of 1996

Dear Secretary:

Enclosed for filing please find the original and eight copies of the Application of Mid-Missouri Telephone Company for Approval of a Traffic Termination Agreement under the Telecommunications Act of 1996.

Thank you for seeing this filed. If you should have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Craig S. Johnson

CSJ:lw

Encl.

CC: Public Service Commission  
Office of Public Counsel  
Denise Day  
Larry Dority  
Joseph Murphy

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9<sup>th</sup> And Washington  
Trenton, Missouri 64683  
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BEFORE THE PUBLIC SERVICE COMMISSION  
STATE OF MISSOURI

Missouri Public  
Service Commission

Application of Mid-Missouri Telephone )  
Company for Approval of a Traffic Termination )  
Agreement under the Telecommunications Act )  
of 1996 )

Case No. \_\_\_\_\_

**APPLICATION OF MID-MISSOURI TELEPHONE COMPANY FOR  
APPROVAL OF A TRAFFIC TERMINATION AGREEMENT UNDER THE  
TELECOMMUNICATIONS ACT OF 1996**

COMES NOW Mid-Missouri Telephone Company ("Mid-Missouri") and hereby files its Application for Approval of a Traffic Termination Agreement between Mid-Missouri and Cingular Wireless LLC and Cingular Southwestern Bell Wireless LLC d/b/a Cingular Wireless ("Cingular") under the Telecommunications Act of 1996 ("the Act"). In support of this application, Mid-Missouri states to the Commission as follows:

**I. AGREEMENT REACHED**

Mid-Missouri is a local exchange carrier operating in Missouri. Mid-Missouri is a Missouri corporation in good standing with the Missouri Secretary of State. In Case No. TO-2004-0455, Mid-Missouri filed a Certificate of Good Standing from the Missouri Secretary of State which Mid-Missouri requests be incorporated by reference in this case. Mid-Missouri is not aware of any pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer services or rates. Mid-Missouri's annual report and assessment fees are not overdue. This information is still current and correct, as evidenced by the notarized affidavit of Ms. Denise Day.

Cingular is a commercial mobile radio service carrier operating in Missouri.

On March 31, 2004 after good faith negotiations, Mid-Missouri and Cingular executed a Traffic Termination Agreement ("Agreement") for the state of Missouri pursuant to the terms of the Act (see Agreement, Attachment I). Pursuant to the Act, Mid-Missouri hereby submits this Agreement for approval by the Commission. The Agreement complies fully with Section 252(e) of the 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 19 pages. There are no outstanding issues between Mid-Missouri and Cingular that need the assistance of mediation or arbitration.

## **II. REQUEST FOR APPROVAL**

Mid-Missouri seeks the Commission's approval of the Agreement, consistent with the provisions of the Act and Missouri Law. Mid-Missouri represents that the implementation of this negotiated and executed agreement complies fully with both Missouri Law and section 252(e) of the act, because the agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. Mid-Missouri respectfully requests 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:

Denise Day  
Mid-Missouri Telephone Co.  
P.O. Box 38  
Pilot Grove, MO 65276

Craig S. Johnson/Bryan D. Lade  
Andereck, Evans, Milne, Peace &  
Johnson, L.L.C.  
P.O. Box 1438  
Jefferson City, MO 65102-1438  
[cjohnson@aempb.com](mailto:cjohnson@aempb.com)  
[blade@aempb.com](mailto:blade@aempb.com)

### **III. COMMISSION AUTHORITY**

Under the Federal Telecommunications Act of 1996 ("the Act"), the Commission has the authority to grant the relief requested by Mid-Missouri. Specifically, section 252 (a) of the act provides:

#### **(a) Agreements Arrived at Through Negotiations**

(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 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 in 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.

### **IV. STANDARD OF REVIEW**

Under Section 252 of the Act, the Commission has the authority to approve this negotiated agreement. The Commission may only reject an agreement, if the agreement is discriminatory to a nonparty or is inconsistent with the public interest, convenience, and necessity. Section 252(e)(2) of the act provides as follows:

**Grounds for Rejection** -- The State Commission may only reject --

- (A) an agreement (or any portion thereof) adopted by negotiation under section (a) if it finds that --
  - (i) the agreement (or portion thereof) discriminates against a telecommunications carrier, not a party to the agreement; or
  - (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity;

The affidavit of Ms. Denise Day, Co-CEO of Mid-Missouri Telephone Company, establishes that the agreement satisfies the standards (see Affidavit, Attachment II).

**V. CONCLUSION**

WHEREFORE, Mid-Missouri respectfully request the Commission to issue an order that: (1) approves expeditiously the traffic termination agreement between Mid-Missouri and Cingular, and (2) grant such other relief as is reasonable in circumstances.

ANDERECK, EVANS, MILNE, PEACE  
& JOHNSON, L.L.C.

By 

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Telephone: (573) 634-3422  
Fax: (573) 634-7822  
ATTORNEYS FOR MID-MISSOURI  
TELEPHONE COMPANY

### CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and accurate copy of the foregoing was hand delivered or mailed, via U.S. Mail, postage prepaid, this 7 day of April, 2004, to the following parties to:

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

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

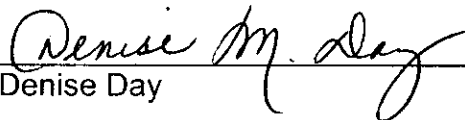
Cingular Wireless  
Attn: Interconnection Manager  
5565 Glenridge Connector  
Suite 1520  
Atlanta, GA 30342

Cingular Wireless  
Attn: Legal – Interconnection  
5565 Glenridge Connector  
Suite 1700  
Atlanta, GA 30342

  
\_\_\_\_\_  
Attorney for Mid-Missouri Telephone Company

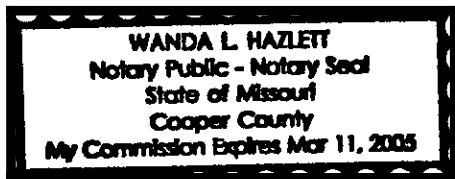
## VERIFICATION

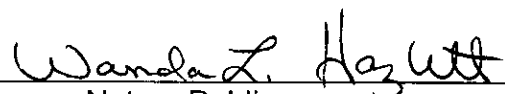
I, Denise Day, Co-CEO Mid-Missouri Telephone Company, hereby verify and affirm that I have read the foregoing *APPLICATION OF MID-MISSOURI TELEPHONE COMPANY FOR APPROVAL OF A TRAFFIC TERMINATION AGREEMENT UNDER THE TELECOMMUNICATIONS ACT OF 1996* and that the statements contained therein are true and correct to the best of my information and belief.

  
Denise Day

STATE OF MISSOURI     )  
                                      )  
COUNTY OF            )

Subscribed and sworn to me, a Notary Public, on this 5<sup>th</sup> day of April, 2004.



  
Notary Public

My commission expires 3-11-05.

STATE OF MISSOURI     )  
                                      )  
COUNTY OF COOPER    )

**AFFIDAVIT OF DENISE DAY**

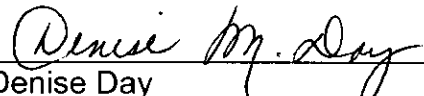
Before me, the Undersigned Authority, on this 5<sup>th</sup> day of April, 2004,  
personally appeared Denise Day, Co-CEO of Mid-Missouri Telephone Company,  
who, upon being by me duly worn on oath deposed and said the following:

1. My name is Denise Day. I am over the age of twenty-one, of sound mind and competent to testify to the matters stated herein. I am the Co-Manager of Mid-Missouri Telephone Company ("Mid-Missouri") and have personal knowledge of the agreement between Mid-Missouri and Cingular. I have reviewed the agreement on behalf of Mid-Missouri and have personal knowledge of the provisions. The parties negotiated diligently under the Telecommunication Act of 1996, culminating in an executed agreement (the "Agreement") by Mid-Missouri and Cingular.
2. The Agreement is the result of negotiation and compromise.
3. There are no outstanding issues between the parties and that need the assistance of mediation or arbitration if this Agreement is approved.
4. Approval of this Agreement is consistent with the public interest, convenience, and necessity, as it will allow the exchange of traffic between Mid-Missouri and Cingular.

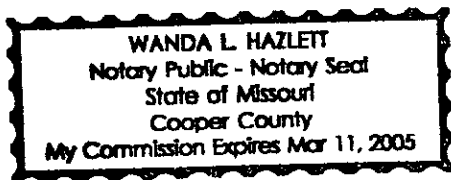


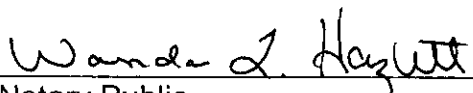
5. This Agreement does not discriminate against any telecommunication carrier. The terms of the agreement are available to any similarly situated provider in negotiating a similar agreement.
6. Mid-Missouri is a Missouri corporation in good standing with the Missouri Secretary of State.
7. Mid-Missouri is not aware of any pending action for final unsatisfied judgments or decisions against it from any stat or federal agency or court which involve customer service or rates.
8. Mid-Missouri's annual report and assessment fees are not overdue.

Further Affiant sayeth naught.

  
Denise Day  
Co-Manager, Mid-Missouri Telephone Co.

Sworn and Subscribed to before me this 5<sup>th</sup> day of April, 2004, to certify which witness my hand and seal of office.



  
Notary Public