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October 23, 2001

FILED²

OCT 23 2001

**Missouri Public
Service Commission**

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

**Re: In the Matter of the Investigation into Signaling Protocols, Call Records,
Trunking Arrangements, and Traffic Measurement
Case No. 99-593**

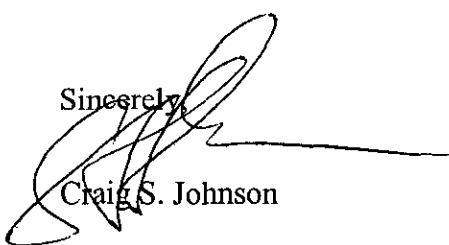
**Alma Telephone Company, Chariton Valley Telecommunications Corp.,
Choctaw Telephone Company, Mid-Missouri Telephone Company, Modern
Telecommunications Company, MoKan Dial, Inc., and Northeast Missouri
Rural Telephone Company vs. Southwestern Bell Telephone and Wireless
Carriers
Case No. TC-2002-194**

Dear Judge Roberts:

Enclosed for filing in each of the above-referenced proceedings is a Motion to Consolidate the Complaint proceeding contained in TC-2002-194 into TO-99-593 for a supplemental hearing. A copy of this filing letter and a copy of the enclosed Motion has been served upon all attorneys of record in both proceedings.

Thank you for seeing this filed.

Sincerely,


Craig S. Johnson

CSJ:tr

Enc.

cc: MITG Managers
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Martha Hogerty
Carl Lumley

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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

FILED²

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Missouri Public
Service Commission

**In the matter of the Investigation
into Signaling Protocols, Call Records,
Trunking Arrangements, and
Traffic Measurement.**

Case No. TO-99-593

and

**Alma Telephone Company, Chariton
Valley Telecommunications Corp.,
Choctaw Telephone Company, Mid-
Missouri Telephone Company, Modern
Telecommunications Company, MoKan
Dial, Inc., and Northeast Missouri Rural
Telephone Company,**

Petitioners,

vs.

Case No. TC-2002-194

**Southwestern Bell Telephone Company,
Sprint Missouri Inc.,
ALS-TCG-Mo (6123),
Birch Telecom of Mo (8665),
Birch Telecom-Ks (8856),
Brooks-Mo (7954),
Brooks-Ks (7593),
Espire-Mo (7589),
Frontier Local of Kansas (8859),
Gabriel Com-Mo (4891),
Gabriel Communications-Ks (4780),
Global Crossing-Mo (4004),
Global Crossing (8859),
Global Crossing-Ks (8859),
Ionex-Mo(1428),
Ionex Communications-Ks (4186),
Logix-Mo (4391),
Logix (2826),
Logix-Ks (2826),
McCleod-Mo (7407),**

McCleod USA Telecomm Svc Inc-Ks (7411),	)
McCleodUSA-Ks (7411),	)
McCleodUSA-Ks -KS(7411),	)
Navigator Telecom-Mo (0525),	)
Omniplex-Mo (3654),	)
Ominplex-Ks (3655),	)
Primary Ntwk Com-Ks (3250),	)
Teligent Ks (8784),	)
Carrier John Doe # 1,	)
Carrier John Doe # 2,	)
Carrier John Doe # 3,	)
Carrier John Doe # 4,	)
Carrier John Doe # 5,	)
Carrier John Doe # 6,	)
Carrier John Doe # 7,	)
Carrier John Doe # 8,	)
Carrier John Doe # 9,	)
Carrier John Doe # 10,	)
Carrier John Doe others,	)
	)
Respondents.	)

Motion to Consolidate for
Supplemental Hearing

Comes now the Missouri Independent Telephone Group, (MITG) parties of record in TO-99-593, and individual complainants in TC-2002-194, and hereby move that complaint proceeding TC-2002-194 be consolidated into TO-99-593 for a procedural schedule and supplemental hearing in TO-99-593 and TC-2002-194.

In support of this Motion, the MITG states as follows:

1. TO-99-593, was established by a June 10, 1999 Order in TO-99-254. That Order terminated the PTC Plan effective between July and October of 1999, depending upon the specifics of the former SC's intraLATA toll dialing parity implementation plan. Docket TO-99-593 was established in order to investigate signaling protocols, call

records, trunking arrangements, and traffic measurement that would be used between the former PTCs and the former SCs over the interconnection between them after termination of the PTC Plan. In prior docket TO-97-217 and in TO-99-254 these issues had been raised but not resolved.

2. Generally, under the terms of the PTC Plan the PTC paid terminating compensation to the SC under an IXC or "wholesale"¹ business relationship. At the time of termination of the PTC Plan there was a dispute between the PTCs and SCs as to whether a "wholesale" or a "transiting"² model was appropriate for use over the interconnection between them in the future for traffic the former PTCs were delivering to the former SCs at that time.

3. It has been the position of the MITG that their access tariffs, approved, lawful, and in effect prior to, during, and after the PTC Plan, have all along required the wholesale business relationship to be utilized by any IXC, including the former PTCs, delivering traffic to MITG companies having no other tariff or approved interconnection agreement applying instead of their access tariffs. The Commission has held that the former PTCs are now IXCs in the service areas of the former SCs, and must abide those tariffs when originating interexchange traffic³. The Commission has not yet made any

¹ The term "wholesaling" is used in this Motion to refer to a structure whereby an IXC having an access connection to a terminating LEC pays that LEC for all traffic terminated, both the IXC's originated traffic and the traffic of other carriers the IXC, for a charge, agrees to "wholesale" for them. During the PTC Plan the majority of traffic was compensated under a wholesale structure, although there were exceptions.

² The term "transiting" refers to a structure whereby the former PTCs, who are ILECs in their service areas, and IXCs in the SC service areas, pays the former SC terminating compensation only for the traffic originated by the former PTC. For traffic the former PTC agrees to carry for other originating carriers, the former PTC charges a "transiting" charge to the originating carrier, and leaves it to the former SC to collect terminating compensation from the originating carrier.

³ See the Commission's September 26, 2000 Report and Order in TC-2000-325, which held "SWBT is now essentially just another intraLATA IXC, which may, if it chooses to comply with the Respondents' respective tariffs, originate traffic in the Respondents' exchanges."

determination as to the effect of the former SC access tariffs regarding issues associated with the types of terminating traffic which was heard in January of 2001 in TO-99-593.

4. Although the PTC Plan has been terminated for more than two years, the issues for which this docket was created have not yet been resolved.

5. Since hearing in this case in January of 2001, the Commission has entertained concerns regarding having the necessary parties to evaluate the "transiting" structure before it in this case. In its May 17, 2001 Order Directing Additional Notice in TO-99-593, the Commission gave CLECs who might be affected by such "transiting" issues another separate notice as these "transiting" issues were beyond the scope of the original notice. With the exception of one or two CLECs said additional notice did not produce additional parties, possibly because CLECs and their IXC affiliates were not then sending traffic to the former PTCs for termination to the former SCs, or possibly because the CLECs and their IXC affiliates were content not to provide billing records, not to pay compensation, or to delay further action until there is a determination of whether or not the former PTCs are responsible to pay compensation under the access tariffs of the former SCs.

6. Since hearing, the Commission has also entertained the notion that the "OBF 2056" issue may have a bearing on the issues. In Order for the efficacy of this issue to be determined under a "transiting" or "wholesale" structure, CLECs who originate traffic should be provided with an opportunity to consider their role under issue 2056. It will not be productive to determine the responsibilities and capabilities of traffic originators, traffic transporters, and traffic terminators under OBF 2056 unless those carriers are party to that determination.

7. Wireless originated traffic has been similarly presented to the MITG companies on a "transiting" basis without final and binding determination of the carriers' responsibilities, the result being that there has passed a period in excess of 3 and ½ years in which compensation issues for wireless traffic under a transiting structure has not been resolved. This should be avoided for landline originated traffic. If not avoided here, the result may again be a lack of ability to collect past due compensation, or penalties or interest for late payment, or disconnection for nonpayment, all as authorized by the access tariffs or which are typically authorized by any normal carrier relationship.

8. Similar issues have now arisen with respect to "transiting" landline traffic, are immediate, which should be resolved no later than resolution of TO-99-593.

9. In TC-2002-194, the seven MITG companies have brought a joint complaint against former PTCs SWBT and Sprint, and known and unknown CLECs. The basis for this complaint was that since August, 2001 SWBT has informed the MITG companies that it was transiting traffic from UNE-P CLECs, and provided traffic reports. Additionally, SWBT has informed the MITG companies that SWBT was also transiting toll traffic from facilities-based CLECs and their IXC affiliates, that these other carriers were supposed to be providing traffic reports and compensation, but were not doing so, either to SWBT or to the MITG companies. SWBT has indicated its interconnection agreements with those carriers require category 92 billing records when this Commission has determined category 11 records should be used unless a former SC consents to category 92 records. The MITG companies brought complaint against SWBT and these carriers, for termination of traffic in violation of existing access tariffs, and in violation of prior Commission Orders and interconnection agreements prohibiting the delivery of this

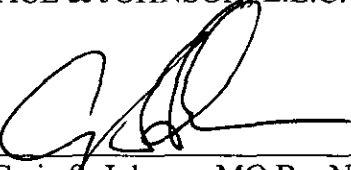
traffic to the MITG companies prior to the approval of any arrangement therefore, and contrary to the Orders of this Commission in Metropolitan Calling Area (MCA) proceedings.

10. The former PTCs have unilaterally placed this CLEC/affiliated IXC traffic on the former PTC--former SC interconnection, without any agreement or Order of this Commission, and without any determination in TO-99-593 that such was an appropriate use of the interconnection, and without providing payment therefore. As the former SCs did not consent to the delivery of this traffic, and were not bound by the terms of any interconnection agreement addressing such traffic, the only lawful authority determining the terms and conditions of compensation for this traffic being the requirements contained in the former SCs access tariffs, which make compensation for this traffic a "wholesale" obligation of the former PTCs.

11. By consolidating TC-2002-194 into TO-99-593, the Commission can address the applicability of the former SC access tariff "wholesale" structure, visit the propriety of the actions of the former PTCs in unilaterally imposing a "transiting" structure, making CLECs and their IXC affiliates party to the determinations for traffic they originated, and making CLECs and their IXC affiliates party to considering OBF Issue 2056. Consolidation of these issues and these parties for a single supplemental hearing in this docket will be an efficient utilization of the resources of the Commission, the former SCs, the former PTCs, and the complaint proceeding Respondent CLECs/IXC affiliates.

WHEREFORE, The MITG companies request an Order of this Commission consolidating TC-2002-194 into TO-99-593 for a single supplemental hearing addressing the CLEC/IXC affiliate traffic, and OBF Issue 2056.

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

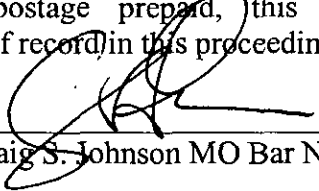
By 

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ATTORNEYS FOR MITG

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and accurate copy of the foregoing was mailed, via U.S. Mail, postage prepaid, this 22 day of October, 2001, to all attorneys of record in this proceeding.


Craig S. Johnson MO Bar No. 28179