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March 15, 2000

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service  
P.O. Box 360  
Jefferson City, Missouri 65101

Re: Case No. TC-2000-375

FILED<sup>2</sup>

MAR 16 2000

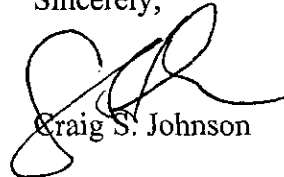
Missouri Public  
Service Commission

Dear Judge Roberts:

Enclosed please find an original and 15 copies of Complaints Notice of Dismissal of Complaint Without Prejudice. A copy of this letter and a copy of the enclosed Dismissal have been served upon all current Attorneys of Record, as well as all Attorneys for proposed Intervenor.

I would appreciate your bringing this to the Commission's attention, so this docket can be dismissed for the time being.

Sincerely,



Craig S. Johnson

CSJ/mo

Enclosure

cc: Attorneys of Record  
Attorneys for Proposed Intervenor  
MITG Group Managers

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BEFORE THE PUBLIC SERVICE COMMISSION  
STATE OF MISSOURI

FILED<sup>2</sup>

MAR 16 2000

Missouri Public  
Service Commission

Modern Telecommunications Co., )  
Northeast Missouri Rural Telephone )  
Co., Mid-Missouri Telephone Co., and )  
MoKan Dial Inc. , )

Complainants )

v. )

Case No. TC-2000-375

Southwestern Bell Telephone Company, )  
Respondent. )

Dismissal of Complaint Without Prejudice

Come now Complainants Modern, Northeast Missouri, Mid-Missouri, and MoKan, and hereby move the Commission to dismiss the complaints currently pending in this proceeding without prejudice to the refiling thereof. In support of this Motion, Complainants state the following:

1. In various Orders approving tariffs and interconnection agreements, This Commission has authorized wireless carriers to directly interconnect with SWB. The agreements approved do not apply solely to traffic exchanged between SWB and the wireless carriers over that direct interconnection, the agreements also contemplated wireless carriers would terminate traffic to Complainants via SWB's direct interconnection with Complainants, even though Complainants were not a party to the agreement or the proceeding approving them.

2. In these Orders the Commission indicated that wireless carriers were not to send traffic destined to terminate at Complainants' facilities until there was an approved compensation agreement in place with Complainants.

3. In these Orders the Commission did not indicate what rate of Complainants would apply if the wireless carriers sent traffic destined for Complainants before there was an approved inteconnection agreement in place.

4. The wireless carriers violated the Commission Orders by sending such traffic to Complainants. Although there was a dispute between Complainants and these wireless carriers as to whether Complainants' access rates applied to traffic until superseded by reciprocal compensation structured over a direct physical interconnection, the wireless carrier did not request interconnection or arbitration of these issues, and sent this traffic to Complainants despite the lack of any approved compensation agreement with Complainants.

5. In order to obtain resolution of this issue without more delay, certain companies initiated TT-99-428 in order to clarify that access rates did apply until superseded by an approved interconnection agreement.

6. By Order of February 8, 2000 the Commission rejected the tariff in TT-99-428 on the ground it would be unlawful to apply access charges to intraMTA traffic even terminated over an indirect interconnection. This decision is currently being judicially reviewed.


7. The Complaint filed by Complainants herein was premised upon the belief that there switched access rates, which were the only rates of Complainants which could lawfully be assessed to the traffic in question, were appropriate. Until the decision in TT-99-428 is finally reviewed, or until interconnection agreements containing rates approved by the Commission are in effect, there is now no rate which Complainants can contend in this proceeding applied to the traffic in question.

8. The above history demonstrates that, in approving interconnection agreements between SWB and wireless carriers which address traffic going to non-party carriers such as Complainants, and not limiting the agreement to traffic to be exchanged between SWB and the wireless carrier only, the rights of Complainants have been severely prejudiced. Although these agreements were not to discriminate against Complainants, they have precluded Complainants from being able to have similar direct interconnections with wireless carriers, and they have resulted in Complaints suffering no compensation for the termination of wireless traffic for over two years, which will be further delayed pending determination of what rate should be applied to the traffic which has already been terminated.

9. In light of the foregoing, there is no benefit or purpose in going forward with this Complaint until and unless new rate development efforts have been completed.

WHEREFORE, on the basis of the foregoing, Complaints hereby dismiss there Complaint without prejudice to the refiling of same at a later date.

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

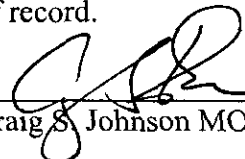
By   
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ATTORNEYS FOR COMPLAINANTS

**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 15 day of March, 2000, to all counsel of record.

  
Craig S. Johnson MO Bar No. 28179