

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Application of Ozark Telephone Company,)	
Seneca Telephone Company and Goodman)	
Telephone Company for Approval of Wireless)	Case No. _____
Traffic Termination Agreements under the)	
Telecommunications Act of 1996)	

**APPLICATION OF OZARK TELEPHONE COMPANY, GOODMAN TELEPHONE
COMPANY AND SENECA TELEPHONE COMPANY
FOR APPROVAL OF WIRELESS TRAFFIC TERMINATION AGREEMENTS
UNDER THE TELECOMMUNICATIONS ACT OF 1996**

COME NOW Ozark Telephone Company, Seneca Telephone Company, and Goodman Telephone Company ("the Companies") and hereby file this Application for Approval of Wireless Traffic Exchange Agreements between the Companies and United States Cellular Corporation ("US Cellular") under the Telecommunications Act of 1996 ("the Act"). In support of this Application, the Companies state to the Missouri Public Service Commission ("Commission") as follows:

I. AGREEMENT REACHED

The Companies are local exchange carriers operating in Missouri. The Companies are Missouri corporations in good standing with the Missouri Secretary of State. In Case Nos. TK-2004-0165, TK-2004-0166, and TK-2004-0167, the Companies filed Certificates of Good Standing from the Missouri Secretary of State which the Companies request be incorporated by reference in this case. The Companies are not aware of any pending action or final unsatisfied judgments or decisions against them from any state or federal agency or court which involve customer service or rates. The Companies' annual reports and assessment fees are not overdue. This information is still current and correct, as

evidenced by the notarized affidavit of Mr. Jay Mitchell, Vice President of Goodman Telephone and President of Seneca Telephone and Ozark Telephone (Attachment I).

US Cellular is a commercial mobile radio service carrier operating in Missouri.

On November 15, 2005, after good faith negotiations, the Companies and US Cellular executed Wireless Traffic Termination Agreements (“the Agreements”) for the state of Missouri pursuant to the terms of the Federal Act (see Agreements, Attachments II, III, and IV). Pursuant to the Act, the Companies hereby submit the Agreements for approval by the Commission. The Agreements comply fully with Section 252(e) of the Federal Act because the Agreements are consistent with the public interest, convenience and necessity and do not discriminate against any telecommunications carrier. The Agreements consists of twenty-eight (28) pages, including three (3) Appendices. There are no outstanding issues between the Companies and US Cellular that need the assistance of mediation or arbitration.

II. REQUEST FOR APPROVAL

The Companies seek the Commission’s approval of the Agreements, consistent with the provisions of the Federal Act and Missouri law. The Companies represent that the implementation of these negotiated and executed Agreements complies fully with both Missouri law and Section 252(e) of the Federal Act because the Agreements are consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. The Companies respectfully request that the Commission grant expeditious approval of these Agreements, without change, suspension or delay in their implementation. These are bilateral agreements, reached as a result of negotiations

and compromise between the parties. Correspondence, orders and decisions in this matter should be addressed to:

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III. COMMISSION AUTHORITY

Under the Federal Telecommunications Act of 1996 (“the Act”), the Commission has the authority to grant the relief requested by the Companies. 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.

IV. STANDARD OF REVIEW

Under Section 252 of the Act, the Commission has the authority to approve an agreement negotiated between an incumbent local exchange company (ILEC) and other telecommunications carriers. 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:

GROUND FOR REJECTION.-- The State Commission may only reject --

- (A) an agreement (or any portion thereof) adopted by negotiation under subsection (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 Mr. Jay Mitchell establishes that the Agreements satisfy these standards.

(Affidavit, Attachment I)

V. 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

¹ Section 21.1 of the Agreement states: "This Agreement is not an interconnection

As rural carriers, the Companies are not required to meet the additional interconnection requirements of Section 251(c). The Parties sought to highlight in Section 21.1 of the Agreements that, while they are submitting Traffic Termination Agreements pursuant to Section 251(b)(5) to this Commission for approval, these are not interconnection agreements under Section 251(c), and the Companies have not waived their Section 251(f)(1) rural exemptions.

VI. CONCLUSION

WHEREFORE, the Companies respectfully request the Commission to issue an Order that: (1) approves expeditiously the Traffic Termination Agreements between the Companies and US Cellular, and (2) grants such other relief as is reasonable in the circumstances.

Respectfully submitted,

By /s/ Brian T. McCartney

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agreement under 47 U.S.C. 251(c), but rather a reciprocal compensation agreement under 47 U.S.C. 251(b)(5). The Parties acknowledge that ILEC may be entitled to a rural exemption as provided by 47 U.S.C. 251(f), and ILEC does not waive such exemption by entering into this Agreement.”

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document this _____ day of November, 2005, to the following parties:

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