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December 23, 2004

FILED²

DEC 23 2004

EUGENE E. ANDERECK (1923-2004)
GREGORY C. STOCKARD (1964-1993)
PHIL HAUCK (1924-1991)

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

**Missouri Public
Service Commission**

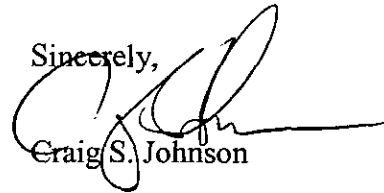
Re: In the Matter of the Adoption of the Spectra Communications Group, LLC WWC License, LLC Interconnection and Reciprocal Compensation Agreement By Missouri RSA No. 5 Partnership d/b/a Chariton Valley Wireless Pursuant to Section 252(i) of the Telecommunications Act of 1996

Dear Secretary:

Enclosed for filing please find an original and eight copies of the Notice of Adoption of Interconnection and Reciprocal Compensation Agreement in the above referenced case.

If you have any questions, please contact me at the number listed above.

Sincerely,



Craig S. Johnson

CSJ:lw

Encl.

CC: Office of Public Counsel
General Counsel
CenturyTel
Larry Dority
Gregory Whiteaker
Jim Simon

FILED²

DEC 23 2004

Missouri Public
Service Commission

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

IN THE MATTER OF THE ADOPTION OF THE)
SPECTRA COMMUNICATIONS GROUP, L.L.C)
WWC LICENSE, L.L.C. INTERCONNECTION AND)
RECIPROCAL COMPENSATION AGREEMENT)
BY MISSOURI RSA NO. 5 PARTNERSHIP d/b/a)
CHARITON VALLEY WIRELESS PURSUANT TO)
SECTION 252(i) OF THE TELECOMMUNICATIONS)
ACT OF 1996.)

Case No. _____

**NOTICE OF ADOPTION OF INTERCONNECTION
AND RECIPROCAL COMPENSATION AGREEMENT**

COMES NOW Missouri RSA No. 5 Partnership d/b/a Chariton Valley Wireless ("CVW") and respectfully files this Notice of Adoption of Interconnection and Reciprocal Compensation Agreement ("Notice of Adoption") pursuant to § 252(i) of the Telecommunications Act of 1996 and 4 CSR 240-2.080(3). In connection with this filing, CVW states as follows:

1. CVW is a CMRS provider who is owned by a Missouri Partnership consisting of General Partners Chariton Valley Cellular RSA No. 2 Corporation and Grand River Communications, Inc. The Missouri RSA No.5 Partnership is listed as "active" according to the Missouri Secretary of State. CVW's principle place of business is located at 109 Butler St., Macon, Missouri 63552. The designated contacts for purposes of this adopted agreement are:

Jim Simon
General Manager
Chariton Valley Wireless
109 Butler St.
Macon, MO 63552
660-359-9600
Fax: 660-359-4403

Craig S. Johnson
Andereck, Evans, Milne, Peace &
Johnson, L.L.C.
P.O. Box 1438
Jefferson City, MO 65102-1438
573-634-3422
Fax: 573-634-7822

2. Pursuant to Section 252(i) of the Telecommunications Act of 1996 ("the Act"), CVW notified Spectra that it desired to adopt the terms of the Interconnection and Reciprocal Compensation Agreement ("Terms") between Spectra and WWC License L.L.C. ("WWC") approved by the Missouri Public Service Commission ("Commission") in Case No. TK-2003-0306 ("Underlying Agreement"). Subsequently, Spectra and CVW signed a cover letter relating to CVW's adoption of the Terms. A copy of this letter and signature page are attached as Exhibit 1.

3. Section 252(i) of the Act provides as follows:

(i) AVAILABILITY TO OTHER TELECOMMUNICATIONS CARRIERS.-

A local exchange carrier shall make available any interconnection services, or network element provided under an agreement approved under this section to which it is a party to any other requesting telecommunications carrier upon the same terms and condition as those provided in the agreement.

4. A copy of the Commission's May 1, 2003 Order approving the Underlying Agreement is attached as Exhibit 2. A copy of the Commission's Notice Nunc Pro Tunc, issued May 12, 2003 is attached as Exhibit 3. As described in the Order, the Commission approved the Underlying Agreement pursuant to Section 252(e) of the Act by finding that it was consistent with the public interest, convenience, and necessity and did not discriminate against any telecommunications carrier. Accordingly, the Terms are adopted by CVW and will apply to CVW and Spectra pursuant to Section 252(i) of the Act. There are no outstanding disputed issues between Spectra and CVW relating to this adoption.

WHEREFORE, CVW respectfully submits this Notice of Adoption of Interconnection and Reciprocal Compensation Agreement and requests that the Commission take notice of such adoption pursuant to its authority to regulate telecommunications in the State of Missouri.

Respectfully Submitted,

**ANDERECK, EVANS, MILNE,
PEACE & JOHNSON, LLC**

By: 

Craig S. Johnson, MO Bar #28179
Bryan D. Lade, MO Bar #55232
Col. Darwin Marmaduke House
700 East Capitol Avenue
P.O. Box 1438
Jefferson City, MO 65102
Telephone: 573/634-3422
Facsimile: 573/634-7822
email: CJohnson@aempb.com
email: BLade@aempb.com

ATTORNEYS FOR CVW

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was hand delivered or mailed, U. S. Mail, postage pre-paid, this 23 day of December, 2004, to:

Office of the Public Counsel
P.O. Box 2230
Jefferson City, MO 65102

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

CenturyTel
Attention: Director Carrier Relations
100 CenturyTel Drive
Monroe, LA 71203

CenturyTel
Attention: Director External Affairs
911 North Bishop, Suite C-207
Texarkana, TX 75501

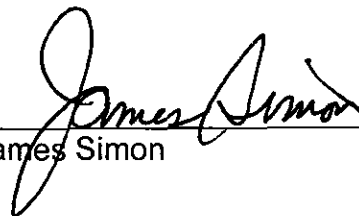
Larry W. Dority
Fischer & Dority, PC
101 Madison St., Suite 400
Jefferson City, MO 65101

Bennet & Bennet, PLLC
Attention: Gregory Whiteaker
10 G Street, NE, Suite 710
Washington, DC 20002


Attorney for CVW

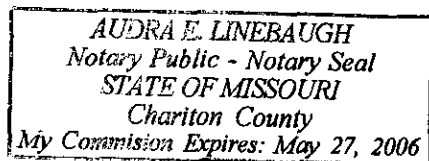
VERIFICATION

I, James Simon, of lawful age, being first duly sworn upon my oath, state that I am General Manager of Missouri RSA No. 5 Partnership d/b/a Chariton Valley Wireless, and that I am authorized to make this verification on behalf of Chariton Valley Wireless, and that the facts set forth in the foregoing "Notice of Adoption of Interconnection and Reciprocal Compensation Agreement" are true to the best of my knowledge, information and belief.


James Simon

STATE OF MISSOURI)
)
COUNTY OF)

Subscribed and sworn to me, a Notary Public, on this 21st day of December, 2004.




Notary Public

My commission expires May 27, 2006.



August 16, 2004

Chariton Valley Communication Corp.
ATTN: Bill Biere
General Manager
109 Butler Street
Macon, MO 63552

Subject: Missouri RSA No. 5 Partnership d/b/a Chariton Valley Wireless' adoption of the terms of the Interconnection and Reciprocal Compensation Agreement between Spectra Communications Group, LLC and WWC License LLC

Dear Mr. Biere:

SPECTRA COMMUNICATIONS GROUP, LLC ("SPECTRA") has received your notice stating that, under Section 252 (i) of the Telecommunications Act of 1996 (the "Act"), MISSOURI RSA NO. 5 PARTNERSHIP d/b/a CHARITON VALLEY WIRELESS ("CVW") wishes to adopt the terms of the Interconnection and Reciprocal Compensation Agreement between SPECTRA and WWC License LLC ("WWC") that was approved by the Missouri Public Service Commission as an effective Agreement in the State of Missouri in Case Number TK-2003-0306 (the "Terms"). This letter shall confirm that you have a copy of the Terms. Please note the following with respect to your adoption of the Terms.

By your countersignature on this letter, you hereby represent and commit to the following:

1. Except as set forth below, CVW adopts the Terms of the WWC agreement for Interconnection with SPECTRA and in applying the Terms, agrees that CVW shall be substituted in place of WWC in the Terms wherever appropriate.
2. CVW requests that notice to CVW as may be required under the Terms shall be provided as follows:

To: Chariton Valley Communication Corp.
Attn: General Manager
109 Butler Street
Macon, MO 63552
660-395-9600
Fax: 660-395-4403

Copy to: Bennet & Bennet, PLLC
Attn: Gregory Whiteaker
10 G Street, NE
Suite 710
Washington, DC 20002
202-371-1500
Fax: 202-371-1558

SPECTRA requests that notice to SPECTRA as may be required under the Terms shall be provided as follows:

To: Spectra
Attn: Director Carrier Relations
100 CenturyTel Drive
Monroe, LA 71203
(318) 330-6148

Copy: Spectra
Attn: Director External Affairs
911 North Bishop, Suite C-207
Texarkana, TX 75501
(903) 792-3499

3. **CVW represents and warrants that it is licensed to provide Wireless telecommunications service in the State of Missouri, and that its adoption of the Terms will cover services in the State of Missouri only.**
4. CVW'S adoption of the WWC Terms shall become effective upon approval of this Agreement by the Missouri Public Service Commission and shall terminate pursuant to the WWC Terms.
5. As the Terms are being adopted by you pursuant to your statutory rights under Section 252(i), SPECTRA does not provide the Terms to you as either a voluntary or negotiated agreement. The filing and performance by SPECTRA of the Terms does not in any way constitute a waiver by SPECTRA of any position as to the Terms or a portion thereof, nor does it constitute a waiver by SPECTRA of all rights and remedies it may have to seek review of the Terms, or to seek review in any way of any provisions included in these Terms as a result of CVW's 252(i) election.
6. Pursuant to the FCC's ruling in Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, Intercarrier Compensation for ISP-bound Traffic, CC Docket No. 96-98, CC Docket No. 99-68, (April 27, 2001), local exchange carriers may not as of May 15, 2001, opt into an existing Interconnection Agreement with regard to the rates paid for the exchange of ISP-bound traffic.
7. The Terms shall be subject to any and all applicable laws, rules, or regulations that subsequently may be prescribed by any federal, state or local governmental authority. To the extent required by any such subsequently prescribed law, rule, or regulation, the Parties agree to modify, in writing, the affected term(s) and condition(s) of this Agreement to bring them into compliance with such law, rule, or regulation.
8. SPECTRA reserves the right to deny CVW's adoption and/or application of the Terms, in whole or in part, at any time:
 - (A) when the costs of providing the Terms to CVW are greater than the costs of providing it to WWC;
 - (B) if the provision of the Terms to CVW is not technically feasible; and/or to the extent CVW already has an existing Interconnection Agreement (or existing 252(i) adoption) with SPECTRA and the Terms were approved before the date of

approval of the existing Interconnection Agreement (or the effective date of the existing 252(i) adoption);

9. Should CVW attempt to apply the Terms in a manner that conflicts with the provisions set forth herein, SPECTRA reserves its rights to seek appropriate legal and/or equitable relief.
10. The Parties acknowledge that SPECTRA is entitled to maintain that it is a rural telephone company (as defined in 47 U.S.C. 153 as provided by 47 U.S.C. 251(f)). By entering into this Agreement, SPECTRA is not waiving its right to maintain at some point during the term of this Agreement that it is a rural telephone company entitling it to exemption under 47 U.S.C. 251(f).

Please indicate your agreement to the provisions of this letter by signing this letter on the space provided below and return it to the undersigned.

Sincerely,

SPECTRA COMMUNICATIONS GROUP, LLC

Susan W. Smith
(SIGNATURE)

Susan W. Smith
(Print Name)

Dir. Ext. Affairs
(Print Title)

Reviewed and countersigned:

MISSOURI RSA NO. 5 PARTNERSHIP
D/B/A CHARITON VALLEY WIRELESS

William Biere
(SIGNATURE)

William Biere
(Print Name)

GM
(Print Title)

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Spectra)
Communications Group, LLC for Approval)
of its Interconnection and Reciprocal)
Compensation Agreement with WWC License)
LLC under 47 U.S.C. § 252)

Case No. TK-2003-0306

ORDER APPROVING INTERCONNECTION AGREEMENT

This order approves the Interconnection Agreement executed by the parties and filed by Spectra Communications Group, LLC.

On February 27, 2003, Spectra filed an application with the Commission for approval of an Interconnection Agreement with WWC License LLC. The Agreement was filed pursuant to Section 252(e)(1) of the Telecommunications Act of 1996.¹ The Agreement would permit Spectra and Western Wireless to terminate traffic on each others' networks by indirectly interconnecting. Spectra holds a certificate of service authority to provide basic local exchange telecommunications services in Missouri.

Although Western Wireless is a party to the Agreement, it did not join in the application. On March 5, 2003, the Commission issued an order making Western Wireless a party in this case and directing any party wishing to request a hearing to do so no later than March 25, 2003. No requests for hearing were filed.

The Staff of the Commission filed a memorandum and recommendation on April 24, 2003, recommending that the Agreement be approved.

Discussion

Under Section 252(e) of the Act, any interconnection agreement adopted by negotiation must be submitted to the Commission for approval. The Commission may reject an agreement if it finds that the agreement is discriminatory or that it is not consistent with the public interest, convenience and necessity.

The Staff memorandum recommends that the Agreement be approved and notes that the Agreement meets the limited requirements of the Act in that it is not discriminatory toward nonparties and is not against the public interest. Staff recommends that the Commission direct the parties to submit any further modifications or amendments to the Commission for approval.

Findings of Fact

The Missouri Public Service Commission, having considered all of the competent and substantial evidence upon the whole record, makes the following findings of fact.

The Commission has considered the application, the supporting documentation, and Staff's recommendation. Based upon that review, the Commission concludes that the Agreement meets the requirements of the Act in that it does not discriminate against a nonparty carrier and implementation of the Agreement is not inconsistent with the public interest, convenience and necessity. The Commission finds that approval of the Agreement should be conditioned upon the parties submitting any modifications or amendments to the Commission for approval pursuant to the procedure set out below.

¹ See 47 U.S.C. § 251, *et seq.*

Modification Procedure

The Commission has a duty to review all resale and interconnection agreements, whether arrived at through negotiation or arbitration, as mandated by the Act.² In order for the Commission's role of review and approval to be effective, the Commission must also review and approve or recognize modifications to these agreements. The Commission has a further duty to make a copy of every resale and interconnection agreement available for public inspection.³ This duty is in keeping with the Commission's practice under its own rules of requiring telecommunications companies to keep their rate schedules on file with the Commission.⁴

The parties to each resale or interconnection agreement must maintain a complete and current copy of the agreement, together with all modifications, in the Commission's offices. Any proposed modification must be submitted for Commission approval or recognition, whether the modification arises through negotiation, arbitration, or by means of alternative dispute resolution procedures.

Modifications to an agreement must be submitted to the Staff for review. When approved or recognized, the modified pages will be substituted in the agreement, which should contain the number of the page being replaced in the lower right-hand corner. Staff will date-stamp the pages when they are inserted into the agreement. The official record of the original agreement and all the modifications made will be maintained in the Commission's Data Center.

² 47 U.S.C. § 252.

³ 47 U.S.C. § 252(h).

⁴ 4 CSR 240-3.545(2)(C).

The Commission does not intend to conduct a full proceeding each time the parties agree to a modification. Where a proposed modification is identical to a provision that has been approved by the Commission in another agreement, the Commission will take notice of the modification once Staff has verified that the provision is an approved provision and has prepared a recommendation. Where a proposed modification is not contained in another approved agreement, Staff will review the modification and its effects and prepare a recommendation advising the Commission whether the modification should be approved. The Commission may approve the modification based on the Staff recommendation. If the Commission chooses not to approve the modification, the Commission will establish a case, give notice to interested parties and permit responses. The Commission may conduct a hearing if it is deemed necessary.

Conclusions of Law

The Missouri Public Service Commission has arrived at the following conclusions of law.

The Commission, under the provisions of Section 252(e)(1) of the federal Telecommunications Act of 1996,⁵ is required to review negotiated interconnection agreements. It may only reject a negotiated agreement upon a finding that its implementation would be discriminatory to a nonparty or inconsistent with the public interest, convenience and necessity.⁶ Based upon its review of the Agreement between Spectra and Western Wireless and its findings of fact, the Commission concludes that the

⁵ 47 U.S.C. § 252(e)(1).

⁶ 47 U.S.C. § 252(e)(2)(A).

Agreement is neither discriminatory nor inconsistent with the public interest and should be approved.

The Commission notes that prior to providing telecommunications services in Missouri, a party shall possess the following: (1) an interconnection agreement approved by the Commission; (2) except for wireless providers, a certificate of service authority from the Commission to provide interexchange or basic local telecommunications services; and (3) except for wireless providers, a tariff approved by the Commission.

IT IS THEREFORE ORDERED:

1. That the Interconnection Agreement between Spectra Communications Group, LLC and WWC License LLC, filed on February 27, 2003, is approved.
2. That any changes or modifications to this Agreement shall be filed with the Commission pursuant to the procedure outlined in this order.
3. That this order shall become effective on May 11, 2003.

4. That this case may be closed on May 12, 2003.

BY THE COMMISSION

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

(S E A L)

Ronald D. Pridgin, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 1st day of May, 2003.

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Spectra)	
Communications Group, LLC for Approval)	
of its Interconnection and Reciprocal)	<u>Case No. TK-2003-0306</u>
Compensation Agreement with WWC License)	
LLC under 47 U.S.C. § 252)	

NOTICE OF CORRECTION
NUNC PRO TUNC

The Commission issued an Order Approving Interconnection Agreement in this case on May 1, 2003. The Order approved of the parties' interconnection agreement, filed on February 27, 2003 and revised on April 24, 2003. The Order Approving Interconnection Agreement is corrected to clarify that the agreement approved was the agreement as revised on April 24, 2003.

BY THE COMMISSION

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Dated at Jefferson City, Missouri,
on this 12th day of May, 2003.

Pridgin, Regulatory Law Judge