

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

T-MOBILE USA, INC.,	)	
	)	
Complainant,	)	
	)	
vs.	)	Case No. TC-2006-0486
	)	
BPS TELEPHONE COMPANY, CASS	)	
COUNTY TELEPHONE COMPANY,	)	
CITIZENS TELEPHONE COMPANY	)	
OF HIGGINSVILLE, CRAW-KAN	)	
TELEPHONE COOPERATIVE, INC.	)	
FIDELITY TELEPHONE COMPANY	)	
GRAND RIVER MUTUAL TELEPHONE	)	
COMPANY, GREEN HILLS TELEPHONE	)	
CORPORATION, HOLWAY TELEPHONE	)	
COMPANY, IAMO TELEPHONE	)	
COMPANY, KINGDOM TELEPHONE	)	
COMPANY, KLM TELEPHONE	)	
COMPANY, LATHROP TELEPHONE	)	
COMPANY, MARK TWAIN RURAL	)	
TELEPHONE COMPANY,	)	
	)	
Respondents.	)	

**T-MOBILE APPLICATION FOR REHEARING AND RECONSIDERATION**

T-Mobile USA, Inc. (“T-Mobile”), pursuant to Rule 4 C.S.R. 240-2.160 hereby requests rehearing and reconsideration of the Commission’s June 20<sup>th</sup> order entitled “Notice Regarding Obligation to Cease Blocking Preparations Pending Commission Decision.”

1. T-Mobile files this request for rehearing solely on the basis that the Commission characterized T-Mobile as an “originating carrier” in its Notice. As set forth in its complaint, T-Mobile does not believe that it is an “originating carrier” under the Commission’s Enhanced Record Exchange Rules. Under 4 C.S.R. 240-29.020(29) “originating carrier” means the telecommunications company that is responsible for originating telecommunications traffic that traverses the LEC-to-LEC network.

2. “Telecommunications company” is defined in 4 C.S.R. 240-29.020(34) as those companies as set forth in section 386.020(51), RSMo. Supp. 2004.

3. Under 386.020(51) RSMo. “telecommunications company” includes telephone corporations . . . “owning, operating, controlling or managing any facilities used to provide telecommunications service for hire, sale or resale within this state.”

4. Under section 53 of the same statute, “telecommunications service” does not include: (c) the offering of radio communication service and facilities when such services and facilities are provided under a license granted by the Federal Communications Commission under the Commercial Mobile Radio Services Rules and Regulations.

5. T-Mobile offers radio communication service under an FCC license, so by definition it does not provide telecommunications service as defined in section 386.020(53) and therefore is not a telecommunications company. Because it is not a telecommunications company, it does not meet the definition of an originating carrier under the Commission’s Enhanced Record Exchange Rules.

6. The Commission cannot allow the RLECs to block traffic based on the Enhanced Record Exchange Rule, because by definition those rules do not apply to FCC-licensed wireless carriers such as T-Mobile. T-Mobile brought its complaint to the Commission under the Enhanced Record Exchange Rule because the Respondents relied on that Rule in threatening to block T-Mobile’s traffic.

Wherefore, T-Mobile respectfully requests that the Commission reconsider its Order of June 20 in the manner described herein.

Respectfully submitted,

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ATTORNEYS FOR T-MOBILE USA, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been mailed electronically this 30th day of June, 2006, to:

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