

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

T-MOBILE USA, INC.,	)	
	)	
Complainant,	)	
	)	
v.	)	Case To. TC-2006-0486
	)	
BPS TELEPHONE CO., et al.,	)	
	)	
Respondents	)	

**BPS TELEPHONE COMPANY ET AL.'S**  
**CITATIONS TO AUTHORITY**

Respondents BPS Telephone Co. et al. intend to file an answer and motion for summary determination on or before the July 30, 2006 deadline established by the Missouri Public Service Commission ("Commission" or "PSC"). In advance of that filing and for the Commission's information, Respondents are filing copies of the following federal court and PSC decisions:

1. The PSC's final *Report and Order* in Case No. TC-2002-1077, issued January 27, 2005, finding that T-Mobile USA (f/k/a VoiceStream) was liable for all past due amounts owed to Respondents, plus late charges and attorney's fees. (Exhibit A, pp. 31-32)
2. The United States District Court for the Western District of Missouri's August 24, 2005 *Order* dismissing T-Mobile's purported challenge of the PSC's *Report and Order* in Case No. TC-2002-1077 for lack of subject matter jurisdiction. (Exhibit B)
3. The United States District Court for the Western District of Missouri's November 10, 2005 *Order* denying T-Mobile's request for transfer to the Eighth Circuit Court of Appeals and stating:

**“[I]t would not be in the interest of justice to have this matter litigated in yet another court. . . . [T]here has already been an unreasonable delay in the resolution of this matter because of T-Mobile’s transparent litigation strategy.”**

(Exhibit C, p. 4)(Emphasis added.)

4. The United States Court of Appeals for the Eighth Circuit’s June 20, 2006 *Order* denying T-Mobile’s motion to enjoin the Respondents from blocking T-Mobile’s traffic over the local exchange carrier (“LEC-to-LEC”) network. (Exhibit D)

WHEREFORE, Respondents respectfully request that the Commission take notice of these federal court and Commission decisions.

BRYDON, SWEARENGEN & ENGLAND P.C.

By: **/s/ Brian T. McCartney**  
William R. England Mo. #23975  
Brian T. McCartney Mo. #47788  
312 East Capitol Avenue  
P.O. Box 456  
Jefferson City, MO 65102-0456  
Phone: (573) 635-7166  
Fax: (573) 635-0427  
E-mail: [trip@brydonlaw.com](mailto:trip@brydonlaw.com)  
[bmccartney@brydonlaw.com](mailto:bmccartney@brydonlaw.com)

COUNSEL FOR RESPONDENTS

## CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and accurate copy of the foregoing was emailed this 23<sup>rd</sup> day of June, 2006, to the following parties:

Mark P. Johnson  
Sonnenschein Nath & Rosenthal LLP  
4520 Main Street, Suite 1100  
Kansas City, Mo 64111  
Email: [mjohnson@sonnenschein.com](mailto:mjohnson@sonnenschein.com)

Bill Haas  
Deputy General Counsel  
Missouri Public Service Commission  
200 Madison Street, P.O. Box 360  
Jefferson City, MO 65102  
[william.haas@psc.mo.gov](mailto:william.haas@psc.mo.gov)

**/s/ Brian T. McCartney**