

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 13th day  
of July, 2006.

T-Mobile USA, Inc.,	)	
	)	
Complainant,	)	
	)	
v.	)	<b><u>Case No. TC-2006-0486</u></b>
	)	
BPS Telephone Company,	)	
Cass County Telephone Company,	)	
Citizens Telephone Company of Higginsville,	)	
Craw-Kan Telephone Cooperative, Inc.,	)	
Fidelity Telephone Company,	)	
Grand River Mutual Telephone Corporation,	)	
Green Hills Telephone Corporation,	)	
Holway Telephone Company,	)	
Iamo Telephone Company,	)	
Kingdom Telephone Company,	)	
KLM Telephone Company,	)	
Lathrop Telephone Company, and	)	
Mark Twain Rural Telephone Company,	)	
	)	
Respondents.	)	

**ORDER DENYING APPLICATION FOR REHEARING AND  
RECONSIDERATION, BUT OFFERING CLARIFICATION**

Issue Date: July 13, 2006

Effective Date: July 13, 2006

On June 20, 2006, T-Mobile USA, Inc., filed a complaint with the Commission against BPS Telephone Company, Cass County Telephone Company, Citizens Telephone Company of Higginsville, Craw-Kan Telephone Cooperative, Inc., Fidelity Telephone Company, Grand River Mutual Telephone Corporation, Green Hills Telephone Corporation, Holway Telephone Company, Iamo Telephone Company, Kingdom Telephone Company,

KLM Telephone Company, Lathrop Telephone Company, and Mark Twain Rural Telephone Company. The complaint alleged that the respondent companies, each a rural Local Exchange Carrier (LEC), had notified T-Mobile that they had requested that AT&T Missouri and Sprint Missouri, Inc., block all T-Mobile traffic destined to the specified exchanges of the rural LECs. The rural LECs had informed T-Mobile that they were taking this action pursuant to Commission Rule 4 CSR 240-29.130, part of the Enhanced Record Exchange rules. The blocking of T-Mobile's traffic was to begin the next day, June 21.

On June 20, in response to T-Mobile's complaint, the Commission issued a Notice Regarding Obligation to Cease Blocking Preparations Pending Commission Decision. That notice informed the Respondents of their obligation under the Enhanced Record Exchange rules to cease preparations to block traffic when a formal complaint was filed with the Commission. The Respondents have not blocked T-Mobile's traffic.

On June 30, T-Mobile filed an application for rehearing and reconsideration of the Commission's June 20 notice. T-Mobile does not object to the substance of the Commission's notice, but does seize on a sentence in that notice that characterizes T-Mobile as an "originating carrier" within the meaning of the Commission's Enhanced Record Exchange rules. T-Mobile contends that, as a wireless carrier, licensed by the Federal Communications Commission, it is not an "originating carrier" within the meaning of the Commission's rule and, therefore, is not subject to that rule. T-Mobile is concerned that by characterizing it as an "originating carrier" in its notice, the Commission has prejudged an important issue in its complaint.

Commission Rule 4 CSR 240-2.160(2) allows for reconsideration of procedural and interlocutory *orders*. The Notice Regarding Obligation to Cease Blocking Preparations Pending Commission Decision that the Commission issued on June 20 is merely a notice

informing the parties of the provisions of another Commission regulation. It does not order anyone to do anything, and does not decide any pending issue. As a *notice*, it is not a proper subject for either reconsideration or rehearing. For that reason, T-Mobile's Application for Rehearing and Reconsideration must be denied.

However, the Commission will clarify that its June 20 notice does not decide any issue regarding T-Mobile's complaint. Specifically, the Commission has not decided whether T-Mobile is an "originating carrier" within the meaning of the Commission's Enhanced Record Exchange rules.

**IT IS ORDERED THAT:**

1. T-Mobile USA, Inc.'s Application for Rehearing and Reconsideration is denied.
2. The Commission's Notice Regarding Obligation to Cease Blocking Preparations Pending Commission Decision is clarified as provided in the body of this order.
3. This order shall become effective on July 13, 2006.

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

( S E A L )

Davis, Chm., Murray, Gaw, and Clayton, CC., concur.  
Appling, C., absent.

Woodruff, Deputy Chief Regulatory Law Judge