

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Application of New London Telephone Company,)	
Orchard Farm Telephone Company and Stoutland)	
Telephone Company for Approval of a wireless)	Case No. _____
Traffic Exchange Agreement under the)	
Telecommunications Act of 1996)	

**APPLICATION OF NEW LONDON TELEPHONE COMPANY, ORCHARD FARM
TELEPHONE COMPANY AND STOUTLAND TELEPHONE COMPANY
FOR APPROVAL OF A WIRELESS TRAFFIC EXCHANGE AGREEMENT
UNDER THE TELECOMMUNICATIONS ACT OF 1996**

COMES NOW New London Telephone Company, Orchard Farm Telephone Company, and Stoutland Telephone Company ("the TDS Companies") and hereby file this Application for Approval of a Wireless Traffic Exchange Agreement between the TDS Companies and Cingular Wireless, LLC ("Cingular") under the Telecommunications Act of 1996 ("the Act"). In support of this Application, the TDS Companies state to the Missouri Public Service Commission ("Commission") as follows:

I. AGREEMENT REACHED

The TDS Companies are local exchange carriers operating in Missouri. The TDS Companies are Missouri corporations in good standing with the Missouri Secretary of State. In Case No. TO-2004-0370, the TDS Companies filed Certificates of Good Standing from the Missouri Secretary of State which the TDS Companies request be incorporated by reference in this case. The TDS 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 TDS Companies' annual reports and assessment fees are not overdue. This information is

still current and correct, as evidenced by the notarized affidavit of Ms. Linda Lowrance (Attachment I).

Cingular is a commercial mobile radio service carrier operating in Missouri.

On August 30, 2005, after good faith negotiations, the TDS Companies and Cingular executed a Wireless Traffic Exchange Agreement (“the Agreement”) for the state of Missouri pursuant to the terms of the Federal Act (see Agreement, Attachment II). Pursuant to the Act, the TDS Companies hereby submit this Agreement for approval by the Commission. The Agreement complies fully with Section 252(e) of the Federal Act because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. The Agreement consists of fifteen (15) pages and three (3) Appendices. There are no outstanding issues between the TDS Companies and Cingular that need the assistance of mediation or arbitration.

II. REQUEST FOR APPROVAL

The TDS Companies seek the Commission’s approval of the Agreement, consistent with the provisions of the Federal Act and Missouri law. The TDS Companies represent that the implementation of this negotiated and executed Agreement complies fully with both Missouri law and Section 252(e) of the Federal Act because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. The TDS Companies respectfully request that the Commission grant expeditious approval of this Agreement, without change, suspension or delay in its implementation. This is a

bilateral agreement, 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 TDS 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 Ms. Linda Lowrance, Manager-Interconnection for the TDS Companies, establishes that the Agreement satisfies these standards. (Affidavit, Attachment I)

V. CONCLUSION

WHEREFORE, the TDS Companies respectfully request the Commission to issue an Order that: (1) approves expeditiously the Wireless Traffic Exchange Agreement between the TDS Companies and Cingular, and (2) grants such other relief as is reasonable in the circumstances.

Respectfully submitted,

By /s/ Brian T. McCartney

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document this 6th day of October, 2005, to the following parties:

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