

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

T-Mobile USA, Inc.,)	
)	
Complainant,)	
)	
v.)	Case No. TC-2006-0558
)	
Green Hills Telecommunications Services, and)	
Mark Twain Communications Company,)	
)	
Respondents.)	

**STAFF RESPONSE TO ORDER DIRECTING RESPONSES
REGARDING OBLIGATION TO CEASE BLOCKING PREPARATIONS**

COMES NOW the Staff of the Missouri Public Service Commission and for its response states:

1. On June 30, 2006, T-Mobile USA, Inc., filed a complaint with the Missouri Public Service Commission against Green Hills Telecommunications Services and Mark Twain Communications Company. The complaint alleges that Green Hills and Mark Twain have notified T-Mobile that they have requested that AT&T Missouri block T-Mobile's LEC to LEC traffic destined to the specified exchanges served by those companies. Green Hills and Mark Twain have informed T-Mobile that they are taking this action pursuant to Commission rule 4 CSR 240-29.130. The blocking of T-Mobile's traffic is to begin on and after July 21, 2006.

2. Commission rule 4 CSR 240-29.130(9), provides that if an originating carrier wishes to dispute a proposal to block its traffic, it may do so by filing a formal complaint with the Commission. The next section of the rule, 4 CSR 240-29.130(10), provides "[i]f an originating carrier and/or traffic aggregator file(s) a formal complaint, the terminating carrier and originating tandem carrier shall cease blocking preparations, pending the commission's decision."

3. On July 3, 2006, the Commission directed the parties to file pleadings indicating whether 4 CSR 240-29.130(10), or any other Commission rule, would require Green Hills Telecommunications Services, Mark Twain Communications Company, and AT&T Missouri to cease blocking preparations as a result of the filing of T-Mobile's complaint, and whether any provision of the interconnection agreements between the telecommunications carriers that are parties to this complaint would affect the proposed blocking of traffic over the LEC to LEC network.

4. Commission rule 4 CSR 240-29.130(10) does not require cessation of blocking preparations because T-Mobile is not an "originating carrier."

Rule 4 CSR 240-29.090(29) defines "originating carrier":

(29) Originating carrier means the **telecommunications company** that is responsible for originating telecommunications traffic that traverses the LEC-to-LEC network. A telecommunications company whose retail telecommunications services are resold by another telecommunications company shall be considered the originating carrier with respect to such telecommunications for the purposes of this rule. A telecommunications company performing a transiting traffic function is not an originating carrier. (emphasis added.)

Rule 4 CSR 240-29.020(34) defines "telecommunications company" to mean "those companies as set forth by section 386.020(51), RSMo Supp. 2004."

Section 386.020(51) generally defines "telecommunications company" as a company owning, operating, controlling or managing any facilities used to provide telecommunications service. Section 386.020(53) generally defines "telecommunication service" as the transmission of information by wire, radio, optical cable, electronic impulses, or other similar means. The definition specifically excludes "(c) The offering of radio communications services and facilities when such services and facilities are provided under a license granted by the Federal

Communications Commission under the commercial mobile radio services [CMRS] rules and regulations.”

T-Mobile is a CMRS provider and is therefore, by definition, not a “telecommunications company”. Since T-Mobile is not a telecommunications company, it cannot be an originating carrier, as defined by 4 CSR 240-29.090(29). Consequently, the filing of its complaint does not require Green Hills, Mark Twain, and AT&T Missouri to cease blocking preparations.

5. No other Commission rule requires Green Hills, Mark Twain, and AT&T Missouri to cease blocking preparations as a result of the filing of T-Mobile’s complaint.

6. The Staff does not have a copy of the interconnection agreements, if any, that T-Mobile may have with Green Hills and Mark Twain. Responses from the three companies should address whether they have an interconnection agreement and whether any provision would affect the proposed blocking of traffic over the LEC to LEC network.

WHEREFORE, the Staff submits its response.

Respectfully submitted,

/s/ William K. Haas

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 7th day of July 2006.

/s/ William K. Haas_____