

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

In the Matter of the Petition of)	
Alma Telephone Company)	
for Arbitration of Unresolved)	Case Nos. IO-2005-0468, et al.
Issues Pertaining to a Section 251)	
Agreement with T-Mobile USA, Inc.)	

**The Small Telephone Company Group's
Petition for Leave to File *Amicus Curiae* Comments
on the Arbitrator's Final Report**

COMES NOW the Small Telephone Company Group ("STCG"),¹ pursuant to Commission Rule 4 CSR 240-2.075, and for its Petition for Leave to File *Amicus Curiae* Comments on the Final Report filed by the Arbitrator on September 23, 2005, states to the Commission as follows:

1. The STCG member companies are all small incumbent local exchange telephone companies (ILECs) as defined by Missouri law and provide telecommunications service in the rural areas of the state of Missouri under the regulation of the Missouri Public Service Commission (Commission). The members of the STCG are also rural telephone companies as defined by the Telecommunications Act of 1996 ("the Act")² and the Federal Communications Commission (FCC). The STCG companies provide basic local exchange service to subscribers within one or more Commission-defined exchanges in the state of Missouri.

¹ See Attachment A.

2. Many of the STCG member companies presently have interconnection agreements with various commercial mobile radio service (“CMRS” or “wireless”) providers (including T-Mobile) that have been approved by and are on file with the Commission. These agreements govern the exchange of intraMTA wireless traffic between the STCG companies and wireless carriers.

3. The STCG seeks leave from the Commission to file *Amicus Curiae* Comments in response to the portion of the Arbitrator's Final Report that addresses the treatment of wireline-to-wireless traffic carried by an interexchange carrier (“IXC”) because the Final Report contradicts : (1) FCC Rules and decisions; (2) prior Commission orders; (3) industry practice in Missouri and elsewhere; and (4) more than seventy (70) agreements between small ILECs and wireless carriers that have been approved by and are on file with the Commission.

4. The Final Report also contradicts language in opinions by the U.S. Court of Appeals for the Eighth Circuit in *CompTel v. FCC*, 117 F.3d 1060 (1997) and the U.S. District Court for Western District of Missouri in *T-Mobile v. BPS Telephone*, Case No. 05-4037, *Order*, issued Aug. 24, 2005 (Laughrey, J.). For example, language in the *T-Mobile* case explains:

“A call that originates from an MTA that does not correspond with a local telephone carrier’s region is considered a “toll call” and a different system of compensation exists.”³

² 47 U.S.C. §153(37).

³ *T-Mobile* at p. 3, footnote 3 (included as Attachment B to *Amicus* Comments).

5. Therefore, these *Amicus* Comments are relevant to the determination of this arbitration.

WHEREFORE, the STCG respectfully requests that the Commission grant leave for the STCG to file the *Amicus* Curiae Comments on the Arbitrator's Final Report that are being submitted simultaneously.

Respectfully submitted,

/s/ Brian T. McCartney

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ATTACHMENT A

BPS Telephone Company
Citizens Telephone Company
Craw-Kan Telephone Cooperative, Inc.
Ellington Telephone Company
Farber Telephone Company
Fidelity Telephone Company
Goodman Telephone Company
Granby Telephone Company
Grand River Mutual Telephone Corp.
Green Hills Telephone Corp.
Holway Telephone Company
Iamo Telephone Company
Kingdom Telephone Company
KLM Telephone Company
Lathrop Telephone Company
Le-Ru Telephone Company
McDonald County Telephone Company
Mark Twain Rural Telephone Company
Miller Telephone Company
New Florence Telephone Company
Oregon Farmers Mutual Telephone Company
Ozark Telephone Company
Peace Valley Telephone Co., Inc.
Rock Port Telephone Company
Seneca Telephone Company
Steelville Telephone Exchange, Inc.

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and accurate copy of the foregoing was emailed this 27th day of September, 2005, to the following parties:

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