BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

In the Matter of the Petition of	**)**	
Alma Telephone Company	**)**	
for Arbitration of Unresolved	**)**	**Case No. IO-2005-0468, et al.**
Issues Pertaining to a Section 251(b)(5)	**)**	**(consolidated)**
Agreement with T-Mobile USA, Inc.	**)**	

Petitioners' Reply to T-Mobile's Application To Dismiss Certain Issues and for Rulings in Limine

Petitioners Alma Telephone Company, Chariton Valley Telephone Corporation, Mid-Missouri Telephone Company, and Northeast Missouri Rural Telephone Company submit the following Reply to T-Mobile's Application to Dismiss Certain Issues and for Rulings in Limine:

A. The Coordinated Resolution of Past Traffic Issues is a Proper Subject of this Arbitration

1. T-Mobile violated SBC wireless service tariffs, prior Commission Orders, and the terms of its Interconnection Agreements with SBC. As a result of T-Mobile's violations, Petitioners since February 5, 1998 have terminated T-Mobile traffic in the absence of an approved agreement therefore.

The FCC has recently ruled that Petitioners' tariffs were effective in the absence of an approved reciprocal compensation agreement. Each of issues 1 through 5 are relevant because of T-Mobile's actions.

B. Pendency of Part of the Issues in TC-2002-57 does not deprive the Commission of Jurisdiction to Resolve Past Traffic Issues in this Arbitration.

T-Mobile is ultimately responsible for the fact that T-Mobile traffic has terminated to Petitioners in the absence of any approved reciprocal compensation arrangement, for which T-Mobile has not paid tariffed compensation, and Petitioners' prior negotiations of these same issues with Sprint PCS, Cingular, Alltel, and US Cellular resulted in reaching agreements as to past compensation, and a seamless, coordinated resolution of past compensation and future compensation issues. As ILECs are subject to the obligation of 47 USC 252 (i) to make the terms and conditions of approved agreements with other CMRS providers available to T-Mobile, Petitioners have complied

with that duty by making the terms and conditions on these same issues available to T-Mobile.

In the negotiations leading to this arbitration, T-Mobile did negotiate past compensation amounts and the seamless coordination of past traffic issues with prospective Traffic Termination Agreements. As these issues are unresolved matters raised in the negotiations, they are proper matters for arbitration. 47 USC 252(b)(1) authorized Petitioners to petition this Commission to arbitrate any open issue. 47 USC 252 (b)(4) directs that this Commission is to limit its consideration to the issues set forth in the Petition and Response. The Petition and Response indicate that these issues are open issues.

In fact, Choctaw Telephone Company and MoKan Dial, in the same negotiations from which this arbitration arises, did negotiate, and T-Mobile did agree, to a seamless and comprehensive resolution of past traffic compensation and a prospective Terminating Traffic Agreement. These TTAs have recently been approved in TK-2005-0461 and TK-2005-0462.

With respect to pending complaint case TC-2002-57, that case only concerns part of the past compensation at issue here. TC-2002-57 does not include a complaint by Petitioner Mid-Missouri against T-Mobile. With respect to Petitioners Alma, Chariton Valley, and Northeast, TC-2002-57 only encompasses T-Mobile traffic terminating to them between February 5, 1998 and the end of 2001. Resolution of TC-2002-57 would not address the past 4 and ½ years of traffic, and another complaint proceeding would be required.

Petitioners respectfully suggest that, in the interests of efficiency it would be preferable to resolve all issues in this single arbitration proceeding than to continue with piecemeal litigation that has permeated the industry since 1997. Petitioners have successfully accomplished resolution of all issues with Cingular, Sprint PCS, Alltel, and US Cellular, and dismissed their Complaints in TC-2002-57. Pursuit of all issues raised in the Petition and Response provides the best opportunity to bring closure to the last remaining CMRS provider, Respondent T-Mobile.

Issue 8: Obligation of Petitioners to Compensate T-Mobile for Landline to Mobile 1+ IXC Traffic

Issue 9: Obligation of Petitioners to Compensate T-Mobile for Landline to Mobile 1+ IXC Traffic Terminating to a Ported Number

Issue 10: Should Bill and Keep with Net Billing Be Ordered?

All three of these issues are predicated upon T-Mobile's presumption that landline to mobile 1+ dialed traffic carried by an interexchange carrier is subject to reciprocal compensation.

Petitioners deny this. Petitioners affirmatively state that the FCC's Interconnection Order indicated traffic carried by an IXC was not subject to reciprocal compensation. The FCC interconnection and reciprocal compensation rules hold that such calls are not subject to reciprocal compensation. This Commission on several occasions has indicated these calls are not the compensation responsibility of Petitioners.

When a landline customer dials a T-Mobile customer with a 1+, that call is not provisioned by Petitioners. By law such calls are provisioned by the IXC, not by Petitioners. By law it is the IXC that is the calling party's carrier, not Petitioners. The IXC is obligated to pay originating compensation to Petitioners. That same IXC is

obligated to pay terminating compensation to T-Mobile. T-Mobile also receives compensation from its end user for receiving the call. T-Mobile's request that it be paid a third time by Petitioners is not a lawful request.

As there is no landline to mobile reciprocal compensation traffic at issue, there is only mobile to landline traffic that is at issue here. As such there can be no balance of traffic justifying "bill and keep" under the FCC rules. There is no reciprocal traffic to "net bill".

Petitioners point out that in the recently approved agreements between Choctaw, MoKan Dial, and T-Mobile, Choctaw and MoKan are not responsible for this traffic. Petitioners also point out that in TK-2004-0166, TK-2004-0165, and TK-2004-0167, the Commission approved Traffic Termination Agreements between T-Mobile and three other rural ILECs, which agreements did not make those ILECs responsible for such traffic.

Wherefore, having replied to the new issues raised in T-Mobile's Response to Arbitration Petitions, Petitioners request that those issues be resolved in favor of Petitioners.

ANDERECK, EVANS, MILNE, PEACE
& JOHNSON, L.L.C.

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CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and accurate copy of the foregoing was emailed this 7th day of July, 2005, to the following representatives of Respondent:

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