

**BEFORE THE
PUBLIC SERVICE COMMISSION OF MISSOURI**

MID-MISSOURI TELEPHONE COMPANY,)	
)	
Petitioner,)	
)	
vs.)	Case No. TC-2002-190
)	
SOUTHWESTERN BELL TELEPHONE)	
COMPANY,)	
)	
Respondent.)	

FIRST AMENDED COMPLAINT,
MOTION FOR SOUTHWESTERN BELL TELEPHONE COMPANY
TO SHOW CAUSE,
REQUEST FOR INVESTIGATION, INJUNCTION,
MANDAMUS

COMES NOW Mid-Missouri Telephone Company, pursuant to 386.360 RSMo., 386.490 RSMo., 386.570 RSMo., 386.580 RSMo., and 386.600 RSMo., and hereby files its first amended formal complaint against Southwestern Bell Telephone Company, moves the Commission to enter an order requiring Southwestern Bell Telephone Company to show cause as to why Southwestern Bell Telephone Company should not be held in contempt or in violation of the Commission's July 18, 2000 Order in TC-2001-20, and requests that the Commission Staff complete its investigation and direct General Counsel to file the appropriate injunction and mandamus proceedings against Southwestern Bell pursuant to the provisions of 386.360 RSMo, or to enter an Order granting one or more of the alternative grounds for relief set forth herein. In support of these requests, Mid-Missouri Telephone Company states as follows:

1. Mid-Missouri Telephone Company is a certificated local exchange company providing local exchange and exchange access telecommunications services in twelve (12) exchanges in west central Missouri.

2. Mid-Missouri Telephone Company has the following address and contact information:

Denise Day, Co-CEO
Gary Romig, Co-CEO
P. O. Box 38
Pilot Grove, MO 65276
Telephone: 660-834-3311
Facsimile: 660-834-6632

3. Copies of all pleadings, orders and other filings in this docket should be served upon the following counsel for Mid-Missouri Telephone Company:

Craig S. Johnson, Bar No. 28179
Andereck Evans Milne Peace & Johnson
700 East Capitol Avenue
P. O. Box 1438
Jefferson City, MO 65102
Telephone: 573-634-3422
Facsimile: 573-634-7822
E-mail: cjohnson@aempb.com

4. Respondent Southwestern Bell Telephone Company is an IXC authorized to provide interexchange telecommunication services in Missouri, and as such interconnects with Mid-Missouri Telephone Company at Mid-Missouri Telephone Company's access tandem in order to terminate traffic. Southwestern Bell terminates not only traffic its customers originate, but also traffic originated by other carriers it agrees in its IXC capacity to carry for them.

Southwestern Bell Telephone's address is:

Leo Bub, Attorney
Southwestern Bell Telephone Company
One Bell Center, Suite 3528
St. Louis, MO 63101.

5. On July 11, 2000, Southwestern Bell Telephone Company filed a complaint against Mid-Missouri Telephone Company, docketed as TC-2001-20 resulting in an emergency show cause hearing held on July 14, 2000. As a result of that hearing, on July 18, 2000, Southwestern Bell Telephone Company was ordered by the Commission as follows:

...[T]o make any and all translation and routing changes in its facilities and programs necessary to lawfully discontinue the transport, transit, or termination of all intrastate telecommunication traffic to Mid-Missouri Telephone Company, except for the following traffic:

- a. interexchange traffic originated by Southwestern Bell Telephone Company in the 524 LATA and terminating to Mid-Missouri Telephone Company in the 524 LATA; and
- b. interexchange traffic presented to Southwestern Bell Telephone Company by GTE Midwest, Inc., to its heirs or assigns, in the 524 LATA and terminating to Mid-Missouri Telephone Company in the 524 LATA; and
- c. interexchange traffic presented to Southwestern Bell Telephone Company by Sprint Missouri, Inc. and Sprint Communications Company, L.P. in the 524 LATA and terminating to Mid-Missouri Telephone Company in the 524 LATA; and
- d. interexchange traffic presented to Southwestern Bell Telephone Company by Alltel Missouri, Inc., and Alltel Communications, Inc. in the 524 LATA and terminating to Mid-Missouri Telephone Company in the 524 LATA; and
 - (a) commercial mobil radio service or wireless traffic originating within the Kansas City Major Trading Area and terminating to Mid-Missouri Telephone Company;"

Southwestern Bell was further directed to place a recorded announcement on such blocked traffic which states that the provider selected for the calls are not authorized to complete calls to this area.

6. For the ensuing several months following the entry of the above-referenced Order, except for wireless traffic Southwestern Bell Telephone Company reported in its CTUSR reports

to Mid-Missouri Telephone Company, Southwestern Bell Telephone Company paid Mid-Missouri Telephone Company for terminating traffic based upon Mid-Missouri Telephone Company's terminating switch recordings pursuant to agreement between these two carriers.

7. On or about June 15, 2001, Southwestern Bell Telephone Company unilaterally terminated this agreement, and instead began paying Mid-Missouri Telephone Company only what Southwestern Bell Telephone Company reported as being traffic Southwestern Bell was responsible for.

8. As a result of this development, Mid-Missouri has reviewed its terminating switch recordings and has discovered that Southwestern Bell is in violation of the Commission's July 18, 2000 Order in TC-2001-20 in almost all respects, in that Southwestern Bell Telephone Company is delivering to Mid-Missouri Telephone Company the following types of traffic which Southwestern Bell was obligated by that Order to cease delivering to Mid-Missouri Telephone Company:

- (a) Interexchange traffic originated by Southwestern Bell Telephone Company outside the 524 LATA but terminating to Mid-Missouri Telephone Company in the 524 LATA;
- (b) Interexchange traffic presented to Southwestern Bell Telephone Company by GTE Midwest, or its heirs or assigns, outside of the 524 LATA and terminating to Mid-Missouri Telephone Company in the 524 LATA;
- (c) Interexchange traffic presented to Southwestern Bell Telephone Company by Sprint Missouri, Inc. and Sprint Communications, L.P. originating outside of the 524 LATA and terminating to Mid-Missouri Telephone Company in the 524 LATA; and
- (d) Interexchange traffic presented to Southwestern Bell Telephone Company by Alltel Missouri, Inc. outside the 524 LATA and terminating to Mid-Missouri Telephone Company within the 524 LATA; and
- (e) Commercial mobil radio service or wireless traffic originating outside of the Kansas City Major Trading Area and terminating to Mid-Missouri Telephone Company; and

- (f) CLEC traffic originating inside and outside of the 524 LATA delivered by Southwestern Bell to terminate in Mid-Missouri Telephone Company exchanges without any arrangement being approved for compensating Mid-Missouri Telephone Company therefor;
- (g) Interexchange interexchange carrier (IXC) traffic from within the 524 LATA and from outside the 524 LATA terminating to Mid-Missouri Telephone Company within the state of Missouri.

9. In short, Southwestern Bell Telephone is failing to abide the terms of the July 18, 2000 order in case No. TC-2001-20 in almost all respects.

10. Southwestern Bell Telephone Company's actions in these regards have harmed, and will continue to harm Mid-Missouri Telephone Company in that Mid-Missouri Telephone Company will not be able to obtain the appropriate compensation for the use of its network and facilities for the termination of all such traffic.

WHEREFORE, Mid-Missouri respectfully requests that the Commission grant relief in one or more of the following respects:

- (a) Schedule an immediate show cause hearing within ten (10) days of the filing of this Complaint, as was done by the Commission against Mid-Missouri Telephone Company in TC-2001-20, allowing Southwestern Bell Telephone Company to admit, deny, or explain its failure to adhere to the rules of the Order of this Commission;
- (b) Impose a penalty against Southwestern Bell in the amount of not less than \$100 or more than \$2,000 for each day that Southwestern Bell has been in violation of the Commission's July 18, 2000 Order;
- (c) Identification of every officer, agent or employee of Southwestern Bell Telephone Company who has violated or failed to comply with, or who procured, aided, or abetted Southwestern Bell's failure to comply with the Commission's July 18, 2000 Order in TC-2001-20 for purposes of sanctions authorized by § 386.580 RSMo;
- (d) An Order directing the General Counsel of the Missouri Public Service Commission to commence an action or proceeding in any circuit court in the state of Missouri in the name of the Commission, praying for appropriate relief by way of mandamus or injunction;

- (e) An Order relinquishing Mid-Missouri Telephone Company from its quid pro quo for the July 18, 2000 Order: that Mid-Missouri Telephone Company be allowed to terminate the access trunk interconnection Southwestern Bell is responsible for that interconnects Southwestern Bell to Mid-Missouri Telephone Company at Mid-Missouri Telephone Company's Pilot Grove access tandem;
- (f) Order that Southwestern Bell Telephone Company is responsible to pay Mid-Missouri Telephone Company for all such traffic terminated to Mid-Missouri Telephone Company in violation of the Commission's July 18, 2000 Order at Mid-Missouri Telephone Company's intrastate, intraLATA switched access rates;
- (g) Order that Southwestern Bell Telephone Company, as an IXC under Mid-Missouri's access tariff, will be required to pay for all traffic delivered by SWBT over the trunking facilities of SWBT to Mid-Missouri, as is required of other IXCs, both for uncompensated traffic terminated since June 15, 2001 to the effective date of such an Order, as well as for such traffic terminated after the effective date of such Order;
- (h) Such other and further relief as is consistent with the premises in this case.

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

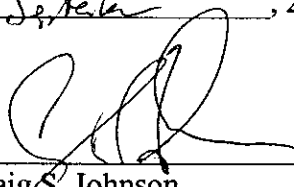
By 

Craig S. Johnson MO Bar No. 28179
700 East Capitol Avenue
Post Office Box 1438
Jefferson City, Missouri 65102
Telephone: (573) 634-3422
Facsimile: (573) 634-7822

**ATTORNEYS FOR MID-MISSOURI
TELEPHONE COMPANY**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was sent via U.S. Mail, postage prepaid, on this 10 day of September, 2002, to all counsel of record.



Craig S. Johnson