

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Application of TDS Telecommunications Corp. for)
Approval of a Wireless Traffic Exchange Agreement)
under the Telecommunications Act of 1996) Case No. _____

**APPLICATION OF TDS TELECOMMUNICATIONS CORPORATION
FOR APPROVAL OF WIRELESS TRAFFIC EXCHANGE AGREEMENT
UNDER THE TELECOMMUNICATIONS ACT OF 1996**

COMES NOW TDS Telecommunications Corporation (hereinafter “TDS”, “TDS Telecom”, or “Applicant”), and hereby files its Application for Approval of a Wireless Traffic Exchange Agreement between Verizon Wireless and TDS Telecom under the Telecommunications Act of 1996 (“the Act”). In support of this Application, Applicant states to the Missouri Public Service Commission (“Commission”) as follows:

I. INTERCONNECTION AGREEMENT REACHED

Verizon Wireless is a commercial mobile radio service (“CMRS”) provider operating in Missouri. TDS Telecom is a local exchange carrier acting through its three subsidiary telephone companies in Missouri: New London Telephone Company, Orchard Farm Telephone Company, and Stoutland Telephone Company. In Case No. TO-2004-0370, New London, Orchard Farm, and Stoutland filed Certificates of Good Standing from the Missouri Secretary of State which TDS Telecom requests be incorporated by reference in this case. TDS Telecom is 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, and its 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).

After good faith negotiations, Verizon Wireless and TDS executed a traffic exchange agreement (“the Agreement”) for the state of Missouri pursuant to the terms of the Federal Act (see Agreement, Attachment II). Pursuant to Section 252(e)(1) of the Act, Applicant hereby submits this Agreement for approval by the Commission. The interconnection 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 fourteen (14) pages and includes two (2) appendices. There are no outstanding issues between Verizon Wireless and TDS that need the assistance of mediation or arbitration.

II. REQUEST FOR APPROVAL

Applicant seeks the Commission’s approval of the Agreement, consistent with the provisions of the Federal Act and Missouri law. Applicant represents 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. Applicant respectfully requests 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 review the terms and conditions of the interconnection of telecommunications carriers’ networks within the state of Missouri, including voluntarily negotiated agreements for transport and termination of traffic. The Commission has the authority to grant the relief requested by the Applicant. 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.

III. STANDARD OF REVIEW

Under Section 252 of the Act, the Commission has the authority to approve an interconnection agreement negotiated between an incumbent local exchange company (ILEC) and other telecommunications carriers. The Commission may only reject an interconnection agreement if the agreement is discriminatory to a nonparty or is inconsistent with the public interest, convenience, and necessity. Section 252 of the Act provides as follows:

(e) APPROVAL BY STATE COMMISSION

- (1) APPROVAL REQUIRED.— Any Interconnection Agreement adopted by negotiation or arbitration shall be submitted for approval to the State commission. A State commission to which an agreement is submitted to shall approve or reject the agreement, with written findings as to any deficiencies.
- (2) GROUNDS FOR REJECTION.-- The State Commission may only reject –
 - (1) an agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that –
 - (1) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
 - (2) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity; or

The affidavit of Linda Lowrance, Manager – Interconnection for TDS establishes that the Agreement submitted herein satisfies these standards.
(Affidavit, Attachment I)

IV. EXEMPTIONS

Section 251(f)(1) of the Act exempts certain rural telephone companies from the additional interconnection requirements contained in Section 251(c). Thus, although all ILECs, as telecommunications carriers, have the duty to interconnect, not all ILECs have to meet the additional interconnection requirements imposed by Section 251(c) of the Act.¹ As a rural carrier, TDS is not required to meet the additional interconnection requirements of Section 251(c). TDS and Verizon Wireless sought to highlight in Section XX of their Agreement that, while they are submitting a Section 251 Interconnection Agreement to this Commission for approval, it is not an interconnection agreement under Section 251(c), and TDS has not waived its Section 251(f)(1) rural exemption.

V. CONCLUSION

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

¹ Section XX of the Agreement states: "This Agreement is not an interconnection agreement under 47 USC 251(c). The parties acknowledge that TDS TELECOM may be entitled to a rural exemption as provided by 47 USC 251(f) and TDS TELECOM does not waive such exemption."

RESPECTFULLY SUBMITTED,

By /s/ Brian T. McCartney
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Attorneys for TDS TELECOM

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or electronic mail, or hand-delivered on this 10th of October, 2006, to the following parties:

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