

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

In the Matter of Alma Communications)
Company d/b/a Alma Telephone Company,)
Chariton Valley Telephone Corporation,)
Chariton Valley Telecom Corporation,)
Choctaw Telephone Company, Mid-Missouri)
Telephone Company, a Corporate division of)
Otelco, Inc. and MoKan DIAL, Inc.,)

Complainants)

vs.)

Halo Wireless, Inc. and Southwestern Bell)
Telephone Company d/b/a AT&T Missouri,)

Respondent)

TO-2012-0035

PUBLIC COUNSEL'S COMMENTS

1. Public Counsel does not oppose the Joint Motion of Alma Communications et al. and BPS Telephone Company et al. for a Commission order directing that this case be held in abeyance pending completion of proceedings under 4 CSR 240-29.130 Enhanced Record Exchange Rule.

2. If the Commission rejects the Joint Motion to hold this case in abeyance, Public Counsel states;

Public Counsel has not adopted a final position on the issues in this case and reserves the right to base its final position on any future information and testimony in this proceeding but offers the following comments;

Section 251(a)(1) of the Telecommunications Act of 1996 (The Act) requires all telecommunications carriers to interconnect directly or indirectly with the facilities and

equipment of other telecommunications carriers. Section 251(b)(5) of The Act requires that local exchange carriers have the duty to establish reciprocal compensation arrangements for the transport and termination of telecommunications. Use of third party providers to meet the obligation to transport and terminate telecommunications does not relieve the originating carrier of its obligation to ensure that originated traffic is delivered to the terminating carrier and delivered under rates, terms, and conditions that are just, reasonable, and nondiscriminatory.

Requiring fair compensation to rural carriers for the use of their networks is key in ensuring that rural customers have access to services similar in quality and price to those services available in urban areas. Termination of intercarrier local and long distance traffic produces revenues that offset the cost of rural incumbent local exchange carrier (RLEC) networks. It is just and reasonable that services that use RLEC facilities contribute to recovering the cost of those networks. The offsetting revenues help ensure that local service rates in rural areas are comparable to those in urban areas and help to ensure that basic local service shoulder no more than a reasonable allocation of joint and common costs.

To the extent that Halo Wireless is found to be transiting traffic under its AT&T Interconnection Agreement that terminates on RLEC networks without Halo having negotiated appropriate interconnection agreements with Missouri RLECs, Halo should be blocked from sending such traffic through AT&T's network.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

/s/ **Lewis R. Mills, Jr.**

By: _____

Lewis R. Mills, Jr. (#35275)
Public Counsel
P O Box 2230
Jefferson City, MO 65102
(573) 751-1304
(573) 751-5562 FAX
lewis.mills@ded.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been emailed this 14th day of February 2012 to all parties of record.

Office of the Public Counsel
Lewis Mills
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opcservice@ded.mo.gov

Missouri Public Service Commission
Cully Dale
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
cully.dale@psc.mo.gov

Missouri Public Service Commission
Office General Counsel
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
GenCounsel@psc.mo.gov

MoKan Dial, Inc.
Craig S Johnson
304 E. High Street, Ste. 200
P.O. Box 1670
Jefferson City, MO 65102
cj@cjlaw.com

New Florence Telephone Company
Brian T McCartney
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
bmccartney@brydonlaw.com

New Florence Telephone Company
W R England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
trip@brydonlaw.com

New London Telephone Company
Brian T McCartney
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
bmccartney@brydonlaw.com

New London Telephone Company
W R England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
trip@brydonlaw.com

Northeast Missouri Rural Telephone Company
Brian T McCartney
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
bmccartney@brydonlaw.com

Northeast Missouri Rural Telephone Company

W R England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
trip@brydonlaw.com

Orchard Farm Telephone Company

Brian T McCartney
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
bmccartney@brydonlaw.com

Orchard Farm Telephone Company

W R England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
trip@brydonlaw.com

Oregon Farmers Mutual Telephone Company

Brian T McCartney
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
bmccartney@brydonlaw.com

Oregon Farmers Mutual Telephone Company

W R England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
trip@brydonlaw.com

Otelco, Inc.

Craig S Johnson
304 E. High Street, Ste. 200
P.O. Box 1670
Jefferson City, MO 65102
cj@cjaslaw.com

Ozark Telephone Company

Brian T McCartney
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
bmccartney@brydonlaw.com

Ozark Telephone Company

W R England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
trip@brydonlaw.com

Peace Valley Telephone Co., Inc.

Brian T McCartney
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
bmccartney@brydonlaw.com

Peace Valley Telephone Co., Inc.

W R England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
trip@brydonlaw.com

Rock Port Telephone Company

Brian T McCartney
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
bmccartney@brydonlaw.com

Rock Port Telephone Company

W R England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
trip@brydonlaw.com

Seneca Telephone Company

Brian T McCartney
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
bmccartney@brydonlaw.com

Seneca Telephone Company

W R England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
trip@brydonlaw.com

Steelville Telephone Exchange, Inc.

Brian T McCartney
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
bmccartney@brydonlaw.com

Steelville Telephone Exchange, Inc.

W R England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
trip@brydonlaw.com

Stoutland Telephone Company

Brian T McCartney
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
bmccartney@brydonlaw.com

Stoutland Telephone Company

W R England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
trip@brydonlaw.com

Alma Telephone Company

Craig S Johnson
304 E. High Street, Ste. 200
P.O. Box 1670
Jefferson City, MO 65102
cj@cjaslaw.com

AT&T Missouri

Jeffrey E Lewis
One AT&T Center, Room 3520
St. Louis, MO 63101
jeffrey.e.lewis@att.com

AT&T Missouri

Robert Gryzmala
909 Chestnut St.
St. Louis, MO 63101
robert.gryzmala@att.com

AT&T Missouri

Leo J Bub
One AT&T Center, Rm 3518
St. Louis, MO 63101
leo.bub@att.com

BPS Telephone Company

Brian T McCartney
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
bmccartney@brydonlaw.com

BPS Telephone Company

W R England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
trip@brydonlaw.com

Chariton Valley Telecom Corporation

Craig S Johnson
304 E. High Street, Ste. 200
P.O. Box 1670
Jefferson City, MO 65102
cj@cjaslaw.com

Choctaw Telephone Company

Craig S Johnson
304 E. High Street, Ste. 200
P.O. Box 1670
Jefferson City, MO 65102
cj@cjaslaw.com

Citizens Telephone Company of Higginsville Missouri

Brian T McCartney
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
bmccartney@brydonlaw.com

Citizens Telephone Company of Higginsville Missouri

W R England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
trip@brydonlaw.com

Craw-Kan Telephone Cooperative, Inc.

Brian T McCartney
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
bmccartney@brydonlaw.com

Craw-Kan Telephone Cooperative, Inc.

W R England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
trip@brydonlaw.com

Ellington Telephone Company

Brian T McCartney
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
bmccartney@brydonlaw.com

Ellington Telephone Company

W R England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
trip@brydonlaw.com

Fidelity Communication Services I, Inc.

Brian T McCartney
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
bmccartney@brydonlaw.com

Fidelity Communication Services I, Inc.

W R England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
trip@brydonlaw.com

Fidelity Communication Services II, Inc.

Brian T McCartney
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
bmccartney@brydonlaw.com

Fidelity Communication Services II, Inc.

W R England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
trip@brydonlaw.com

Fidelity Telephone Company

Brian T McCartney
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
bmccartney@brydonlaw.com

Fidelity Telephone Company

W R England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
trip@brydonlaw.com

Goodman Telephone Company, Inc.

Brian T McCartney
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
bmccartney@brydonlaw.com

Goodman Telephone Company, Inc.

W R England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
trip@brydonlaw.com

Granby Telephone Company

Brian T McCartney
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
bmccartney@brydonlaw.com

Granby Telephone Company

W R England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
trip@brydonlaw.com

Grand River Mutual Telephone Corporation

Brian T McCartney
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
bmccartney@brydonlaw.com

Grand River Mutual Telephone Corporation

W R England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
trip@brydonlaw.com

Green Hills Telecommunications Services

Brian T McCartney
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
bmccartney@brydonlaw.com

Green Hills Telecommunications Services

W R England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
trip@brydonlaw.com

Green Hills Telephone Corporation

Brian T McCartney
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
bmccartney@brydonlaw.com

Green Hills Telephone Corporation

W R England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
trip@brydonlaw.com

Halo Wireless, Inc.

Louis A Huber
4050 Pennsylvania, Suite 300
P. O. Box 32430
Kansas City, MO 64171-5430
lhuber@schleehuber.com

Holway Telephone Company

Brian T McCartney
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
bmccartney@brydonlaw.com

Holway Telephone Company

W R England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
trip@brydonlaw.com

IAMO Telephone Company

Brian T McCartney
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
bmccartney@brydonlaw.com

IAMO Telephone Company

W R England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
trip@brydonlaw.com

Kingdom Telephone Company

Brian T McCartney
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
bmccartney@brydonlaw.com

Kingdom Telephone Company

W R England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
trip@brydonlaw.com

KLM Telephone Company

Brian T McCartney
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
bmccartney@brydonlaw.com

KLM Telephone Company

W R England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
trip@brydonlaw.com

Lathrop Telephone Company

Brian T McCartney
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
bmccartney@brydonlaw.com

Lathrop Telephone Company

W R England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
trip@brydonlaw.com

Le-Ru Telephone Company

Brian T McCartney
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
bmccartney@brydonlaw.com

Le-Ru Telephone Company

W R England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
trip@brydonlaw.com

Mark Twain Communications Company

Brian T McCartney
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
bmccartney@brydonlaw.com

Mark Twain Communications Company

W R England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
trip@brydonlaw.com

Mark Twain Rural Telephone Company

Brian T McCartney
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
bmccartney@brydonlaw.com

Mark Twain Rural Telephone Company

W R England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
trip@brydonlaw.com

McDonald County Telephone Company

Brian T McCartney
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
bmccartney@brydonlaw.com

McDonald County Telephone Company

W R England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
trip@brydonlaw.com

Mid-Missouri Telephone Company

Craig S Johnson
304 E. High Street, Ste. 200
P.O. Box 1670
Jefferson City, MO 65102
cj@cjaslaw.com

Miller Telephone Company

Brian T McCartney
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
bmccartney@brydonlaw.com

Miller Telephone Company

W R England

312 East Capitol Avenue

P.O. Box 456

Jefferson City, MO 65102

trip@brydonlaw.com

/s/ Lewis R. Mills, Jr.
