

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Petition for Arbitration)
of Unresolved Issues in a Section 251(b)(5))
Agreement with NEXTEL Wireless.)
Case No. TO-2006-0149

ORDER DIRECTING NOTICE OF PETITION FOR ARBITRATION

Issue Date: October 6, 2005

Effective Date: October 6, 2005

On October 4, 2005, a number of small rural carriers¹ filed a petition for arbitration with the Missouri Public Service Commission pursuant to the Telecommunications Act of 1996, requesting that the Commission arbitrate unresolved issues with NEXTEL Wireless.

As NEXTEL is a party to the agreement, the Commission finds that NEXTEL is necessary and indispensable to a resolution of this matter and shall be made a party. The Commission will direct the Data Center to provide notice of this petition to NEXTEL, and NEXTEL shall be permitted to file a response to the petition with any additional information it chooses to provide.

Furthermore, finding that there is a need to protect confidential information, the Commission will issue its standard protect order. The Commission has previously recognized the need to protect confidential information, and protective orders have helped minimize disputes in past cases.

¹ The small rural carriers include: BPS Telephone Company; Cass County Telephone Company; Ellington Telephone Company; Farber Telephone Company; Fidelity Communications Services II, Inc; Granby Telephone Company; Green Hills Telephone Corporation; Iamo Telephone Company; Kingdom Telephone Company; Lathrop Telephone Company; New Florence Telephone Company; Steelville Telephone Exchange.

IT IS THEREFORE ORDERED:

1. That the Data Center shall serve notice of this petition upon NEXTEL Wireless.

2. That NEXTEL Wireless shall be made a party in this matter.

3. That NEXTEL Wireless shall file a response, and any additional information regarding the petition for arbitration, no later than October 31, 2005, with the Secretary of the Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri 65102, with a copy to:

W.R. England, II
Brian T. McCartney
Brydon, Swearengen & England, P.C.
312 East Capitol Avenue
Post Office Box 456
Jefferson City, MO 65102-0456

4. That a Protective Order is granted, and the protective order attached to this order as Attachment A is adopted.

5. That this order shall become effective on October 6, 2005.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Kennard L. Jones, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 6th day of October, 2005.