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Secretary of PSC
Missouri Public Service Commission
P. O. Box 360
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FILED³

SEP 03 2003

Re: Case No. TK-2004-0058

Dear Secretary:

Missouri Public
Service Commission

Enclosed please find an original and eight copies of the MITG's Response to Staff's Recommendation in the above cited case.

Thank you for seeing this filed. If you should have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Lisa Chase
Lisa Cole Chase

LCC:sw

Enc.

Cc: Michael Dandino
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FILED³

SEP 03 2003

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

Missouri Public
Service Commission

In the Matter of the Application of EZ Talk)
Communications, LLC, for Approval of an)
Agreement with Southwestern Bell Telephone,)
L.P., d/b/a SBC Missouri, Under the)
Telecommunications Act of 1996.)
Case No. TK-2004-0058

MITG'S RESPONSE TO STAFF'S RECOMMENDATION

COMES NOW the Missouri Independent Telephone Company Group (MITG)¹, and hereby submits its response in opposition to Staff's recommendation to approve the Application for approval of the Interconnection Agreement between EZ Talk Communications, LLC ("EZ Talk") and Southwestern Bell Telephone, L.P., d/b/a SBC Missouri ("SBC"), and states as follows:

1. Staff's recommendation should be rejected, and the application for approval of the Interconnection Agreement denied, because of EZ Talk's failure to comply with the Commission's Rules regarding filing annual reports and payment of annual assessments. As Staff points out in ¶ 6 of its recommendation, EZ Talk has failed to file its 2000 and 2002 annual reports with the Commission and has failed to pay its 2001 and 2003 annual assessments.

2. It is the law of the State of Missouri, and this Commission that all telecommunications companies doing business in Missouri must file an annual report and pay annual assessments.² EZ Talk's failure to comply with the law is against the public interest. Further, Staff's recommendation that EZ Talk be directed to comply at this stage of the process

¹ Alma Communications Co., Chariton Valley Telephone Corp., Choctaw Telephone Co., Mid-Missouri Telephone Company, MoKan Dial Inc., and Northeast Missouri Rural Telephone Co.

² Under Commission Rule 4 CSR 240-2.060(L) any application submitted to the Commission must include "a statement that no annual report or assessment fees are overdue." Revised Missouri Statute § 392.210.1 and 4 CSR 240-3.540.

is not in the public interest. Under Staff's approach applicants, who have failed to comply with State statutes and the Commission's regulations, may simply correct the violation when it is convenient for them to do so. Such an approach is in contravention of the purpose of the laws set forth by the Missouri General Assembly and this Commission.

3. This Commission has the authority under 47 U.S.C. § 252(e)(2)(A)(ii) to reject this Interconnection Agreement, because this failure by EZ Talk, which is clearly against the laws of this State and Commission, is in opposition to the public interest.

WHEREFORE, the MITG requests the Commission reject the Staff's recommendation of approval of this Interconnection Agreement, and further reject this Interconnection Agreement as this application for approval is against the public interest and in violation of State Law and Commission Rules.

**ANDERECK, EVANS, MILNE
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By:


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**ATTORNEYS FOR MISSOURI
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CERTIFICATE OF SERVICE

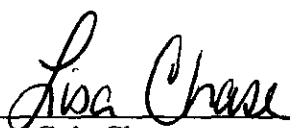
The undersigned hereby certifies that a true and correct copy of the foregoing was mailed, U. S. Mail, postage pre-paid, this 3rd day of September, 2003, to:

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