

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

In the Matter of the Petition of MoKan Dial, Inc.)	
for Arbitration of Unresolved Issues Pertaining to a)	
Section 251(b)(5) Agreement with United States)	Case No. TO-2005-0484
Cellular Corporation)	

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its recommendation respectfully states:

1. In the attached Memorandum, labeled Appendix A, the Staff recommends that the Missouri Public Service Commission grant approval of the Agreement titled “Traffic Termination Agreement” between MoKan Dial, Inc. and United States Cellular Corporation (the “Agreement”), filed by MoKan Dial, Inc., under the provisions of the federal Telecommunications Act of 1996.

2. The terms of the Agreement do not discriminate against telecommunications carriers not a party to the Agreement and are not against the public interest, convenience or necessity. Pursuant to 47 U.S.C. §252(e), the Commission is to approve a negotiated interconnection agreement unless the terms of the agreement discriminate against a telecommunications carrier not a party to the agreement, or implementation of the agreement or any portion thereof is inconsistent with the public interest, convenience, or necessity.

3. Staff further states that the Parties have submitted this negotiated Agreement pursuant to Section 252 of the Telecommunications Act of 1996, and characterized the Agreement as a “Traffic Termination Agreement” and as a “reciprocal compensation agreement.” Staff can find no reference in Section 252 to “Traffic Termination Agreement.” Furthermore, as reciprocal

compensation arrangements are typically handled in an interconnection agreement, Staff does not see the two items as separate and distinct. Consequently, Staff recommends the Commission issue an Order approving a wireless “interconnection agreement” and not an Order approving “Traffic Termination Agreement.” The Commission has addressed this topic in a series of proceedings, consolidated for argument with the lead case of *Application of Kingdom Telephone Company for Approval of a Traffic Termination Agreement under the Telecommunications Act of 1996*, Case No. IO-2003-0201, and found the classification of “traffic termination agreement” to be nonexistent. *See, e.g.,* Order Denying Motion for Correction, *In the Matter of the Application of Craw-Kan Telephone Cooperative for Approval of a Traffic Termination Agreement Under the Telecommunications Act of 1996*, Case No. IK-2003-0245 (Sept. 25, 2003).

WHEREFORE, because the terms of the Agreement satisfy the standard set forth in 47 U.S.C. §252(e), Staff recommends the Commission approve the Agreement as a Wireless Interconnection Agreement and direct the parties to the Agreement to submit any future modifications or amendments to the Agreement to the Commission for approval.

Respectfully submitted,

DANA K. JOYCE
General Counsel

/s/ William K. Haas

William K. Haas
Deputy General Counsel
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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 13th day of July 2005.

/s/ William K. Haas

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. **TO-2005-0484**

Party: MoKan Dial, Inc.

Type of Certification:

- ☐ None
- ☒ Basic Local
- ☐ Local (restricted to private line)
- ☐ Local (no restrictions)
- ☐ Interexchange

Party: United States Cellular Corporation

- ☒ None
- ☐ Basic Local
- ☐ Local (restricted to private line)
- ☐ Local (no restrictions)
- ☐ Interexchange

From: Walt Cecil, Telecommunications Department

/s/ William L. Voight July 12, 2005
Utility Operations Division/Date

/s/ William K. Haas July 12, 2005
General Counsel Office/Date

Subject: Staff Recommendation for Approval of Interconnection Agreement

Date: June 14, 2005

Date Filed: July 12, 2005

Staff Deadline: July 14, 2005

The Telecommunications Department Staff (Staff) recommends the Parties be granted approval of the submitted (may check more than one):

- ☐ Resale Agreement
- ☐ Facilities-based Interconnection Agreement
- ☒ Wireless Interconnection Agreement

The parties submitted the proposed Agreement to the Missouri Public Service Commission (Commission) pursuant to the terms of the Telecommunications Act of 1996 (Act). Staff has reviewed the proposed Agreement and believes it meets the limited requirements of the Act. Specifically, the Agreement: 1) does not discriminate against telecommunications carriers not party to the Agreement and 2) is not against the public interest, convenience or necessity. Staff recommends the Commission direct the Parties to submit any modifications or amendments to the Commission for approval.

- ☐ Staff does not have a serially numbered copy of the Agreement and recommends the Commission direct the Parties to submit a serially numbered copy of the Agreement.
- ☒ Staff has a serially numbered copy of the Agreement.

Interconnection Agreement Review Items

- ☒ No applications to intervene filed.
- ☒ Agreement signed by both Parties.
- ☒ The Company is not delinquent in filing an annual report and paying the PSC assessment.

Is there an attachment to this recommendation indicating any recommendations or special considerations: ☒ Yes ☐ No

The Parties have submitted the instant negotiated Agreement pursuant to Section 252 of the Telecommunications Act of 1996, and characterized the Agreement as both a "Traffic Termination Agreement" and a "Reciprocal Compensation Agreement." The Commission addressed these and other matters in Case No. IK-2003-0223. Staff can find no reference in Section 252 to "Traffic Termination Agreement." Furthermore, 47 U.S.C 251(b)(5) refers to "Obligations of All Local Exchange Carriers" and "reciprocal compensation arrangements" not "Agreements" as referred to in the above text. As reciprocal compensation arrangements are typically handled in an Interconnection Agreement, Staff does not see the two items as separate and distinct.

Consequently, Staff recommends the Commission issue an Order approving a wireless "interconnection agreement" and not an Order approving either a "Traffic Termination Agreement" or "Reciprocal Compensation Agreement."