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January 21, 2000

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P. O. Box 360
Jefferson City, Missouri 65102

Re: Case No. TO-2000-407

Dear Mr. Roberts:

Enclosed for filing in the above-referenced matter, please find an original and fourteen (14) copies of the Suggestions in Support of Joint Application of TDS Telecom, Inc. and Southwestern Bell Wireless, Inc. filed by TDS Telecommunications Corporation and Southwestern Bell Wireless, Inc.

Please see that this filing is brought to the attention of the appropriate Commission personnel. If you have any questions regarding this filing, please feel free to give me a call at your earliest convenience. Otherwise, I thank you in advance for your attention to and cooperation in this matter.

Sincerely,

Brian T. McCartney
Brian T. McCartney

BTM/da
Enclosure

cc: Mr. Michael Dandino
Ms. Jeanne Fischer
Mr. Dan Joyce
Ms. Linda Lowrance

FILED²

JAN 21 2000

Missouri Public
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²

JAN 21 2000

Missouri Public
Service Commission

Application of Southwestern Bell Wireless, Inc.)
and TDS Telecom, Inc. for Approval of an) Case No. TO-2000-407
Interconnection Agreement under the)
Telecommunications Act of 1996)

**SUGGESTIONS IN SUPPORT OF JOINT APPLICATION
OF TDS TELECOM, INC. AND SOUTHWESTERN BELL WIRELESS, INC.**

COME NOW TDS Telecommunications Corporation (hereinafter "TDS" or "TDS Telecom") and Southwestern Bell Wireless, Inc. (hereinafter "SWBW") (TDS and SWBW being referred to collectively as "Applicants" of "Joint Applicants") and for their Suggestions in Support of their Joint Application for Approval of Interconnection Agreement between TDS Telecom and SWBW under the Telecommunications Act of 1996 ("the Act") state to the Missouri Public Service Commission ("Commission") as follows:

1. On January 6, 2000, Applicants filed their Joint Application for Approval of the Interconnection Agreement between TDS and SWBW. The Joint Application is hereby incorporated by reference.

2. On January 13, 2000, the Commission issued its Order Directing Filing directing the Applicants to file, no later than January 24, 2000 at 3:00 p.m., suggestions in support of their application, explaining what relief that they request, and the authority that they believe the Commission has to grant that relief.

3. **Relief Requested.** The Joint Applicants request that the Commission issue an order approving the voluntarily negotiated interconnection agreement between SWBW and

TDS and directing the Joint Applicants to file an executed copy of the Agreement with the Commission.¹

4. **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 Applicants. 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.

5. **General Duty to Interconnect.** Section 251(a)(1) of the Act establishes the general duty of all telecommunications carriers to "interconnect directly or indirectly with the facilities and equipment of other telecommunications carriers." Section 251(c) of the Act lists additional obligations of incumbent local exchange carriers ("ILECs"), including additional

¹ See e.g. Case No. TO-2000-267, In the Matter of the Joint Application of TDS Telecommunications Corporation and Sprint Spectrum L.P. for Approval of an Interconnection Agreement under the Telecommunications Act of 1996, *Order Approving Interconnection Agreement*, issued Dec. 2, 1999

interconnection duties.²

6. **Rural Exemption.** Section 251(f)(1) 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. As a rural carrier, TDS is not required to meet the additional interconnection requirements of Section 251(c).³ The Joint Applicants sought to highlight in Section 13.0 of their Agreement and in Section V of the Joint Application 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.

7. **Standard of Review for State Commission Approval.** Section 252(a) of the Act requires telecommunications carriers to submit any voluntarily negotiated agreement for interconnection, services, or network elements to the State commission. Under Section 252(e)(2)(A), the state Commission may reject a voluntarily negotiated agreement only if it is discriminatory to a nonparty or is inconsistent with the public interest, convenience, and necessity.

² Other additional duties imposed on incumbent LECs by Section 251(c) include the duty to provide for access to unbundled network elements [*see* 251(c)(3)], physical collocation [*see* 251(c)(6)], and resale of services at wholesale rates [*see* 251(c)(4)].

³ Section 13.0 of the Agreement states: "This Agreement is not an interconnection agreement *under 47 USC 251(c)*. The parties acknowledge that TDS is entitled to a rural exemption as provided by 47 USC 251(f) and TDS does not waive such exemption." (emphasis added)

WHEREFORE, Applicants respectfully request the Commission to issue an Order that:

(1) approves the voluntarily negotiated interconnection agreement between TDS Telecom and SWBW, (2) directs the Joint Applicants to file an executed copy of the Agreement with the Commission, and (3) grants such other relief as is reasonable in the circumstances.

RESPECTFULLY SUBMITTED,

TDS Telecom, Inc.

By Brian T. McCartney

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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 hand-delivered on this 21st day of January, 2000, to the following parties:

General Counsel
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