

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

Halo Wireless, Inc.,)	
)	
Complainant,)	
)	
v.)	
)	
Craw-Kan Telephone Cooperative, Inc.,)	
Ellington Telephone Company,)	
Goodman Telephone Company,)	
Granby Telephone Company,)	
Iamo Telephone Company,)	
Le-Ru Telephone Company,)	
McDonald County Telephone Company,)	File No: TC-2012-0331
Miller Telephone Company,)	
Ozark Telephone Company,)	
Rock Port Telephone Company,)	
Seneca Telephone Company,)	
Alma Communications Company, d/b/a)	
Alma Telephone Company,)	
Choctaw Telephone Company;)	
MoKan Dial, Inc.,)	
Peace Valley Telephone Company, Inc., and,)	
Southwestern Bell Telephone Company, d/b/a)	
AT&T Missouri)	
)	
Respondents.)	

STAFF RESPONSE

COMES NOW the Staff of the Missouri Public Service Commission and for its response to the Commission's Order Directing Expedited Response, states as follows:

1. In June and July of 2011, virtually all of the "small" incumbent local exchange telecommunications companies ("LECs") filed two complaints, IC-2011-0385 and TC-2011-0404, in which they asserted that Halo Wireless, Inc. was, in

contravention of the Commission's rules and the interconnection agreements among the parties, sending certain telecommunications traffic over the "Feature Group C" (LEC-to-LEC) network that should have been sent over the "Feature Group D" (long-distance) network. Misrouting is done to avoid the higher charges the LECs may assess for terminating Feature Group D traffic rather than Feature Group C traffic. The Commission's enhanced record exchange rules (4 CSR 240-29.010, *et seq.*) prohibit such misrouting. Soon after those complaints were filed, which included requests for payment at the higher rate for misdirected traffic as well as request that the Commission require Halo to adhere to the Chapter 29 rules, Halo declared bankruptcy and asserted that the Commission was estopped from proceeding further. Halo argued that the automatic stay contained within the bankruptcy procedures required the Commission to stop all activity under the complaints.

2. In August 2011, the small LECs filed a petition with the Commission to set aside certain provisions of the interconnection agreements between Halo and the small LECs, on which Halo relied to assert that its routing of traffic was proper. Again, Halo argued that the proceeding was automatically stayed by bankruptcy proceedings.

3. On October 26, 2011, the Bankruptcy Judge entered an *Order Granting Motion of the Texas and Missouri Telephone Companies to Determine Automatic Stay Inapplicable and for Relief from the Automatic Stay* (see EFIS Case No.AP11-42464, Item No. 167). In it, Judge Rhoades noted that the **only** two areas that were still within the stay were: liquidation of the amount of any claim against the Debtor and any action which affects the debtor-creditor relationship between the Debtor and any creditor or potential creditor. She also noted that if the Commission were to determine that it has

jurisdiction over the issues raised in the above-referenced complaints and that Halo has violated state law over which the Commission has jurisdiction, then even those two matters might no longer be subject to the automatic stay.

4. On February 22, the small LECs began procedures to “block” misrouted calls (actually, reroute the calls from Feature Group C trunks to Feature Group D trunks by instructing the caller to redial the number, starting with “1” before the area code), pursuant to the Commission’s Chapter 29 rules. As far as the Staff is aware, the small LECs have adhered to the Commission’s rules, giving proper notice of the proposed blocking as well as adherence to other procedural requirements. On April 2, 2012, Halo filed the instant Complaint against the small LECs, asking the Commission to essentially declare that it has no jurisdiction over the enforcement of the rules it properly promulgated, in order to once again get the Commission’s proceedings stayed due to the bankruptcy.

5. It is clear that the Commission has jurisdiction over the application and enforcement of its properly promulgated rules in Chapter 29, which derive from the Commission’s statutory authority. It is also clear that the potential “blocking” under those rules does not fall within the two areas reserved by the bankruptcy judge. Moreover, it is clear that the instant complaint is designed to delay the lawfully imposed blocking pursuant to Commission rules.

WHEREFORE, the Staff responds to the pleadings filed in this matter and asserts that the proposed blocking is not stayed by the bankruptcy, that the Commission should dismiss this matter with no further action and it should allow the blocking pursuant to Chapter 29 begin immediately.

Respectfully submitted,



Colleen M. Dale
Senior Counsel
Missouri Bar No. 31624
Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-4255 (Telephone)
cully.dale@psc.mo.gov

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 9th day of April, 2012.

