

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

Application of Fidelity Telephone Company)
for Approval of a Traffic Termination)
Agreement under the Telecommunications)
Act of 1996)

Case No. TO-2006-0219

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 characterized as a “Traffic Termination Agreement” between Fidelity Telephone Company and United States Cellular Corporation (the “Agreement”), filed by Fidelity Telephone Company 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 Fidelity Telephone Company submitted this negotiated Agreement pursuant to Section 252 of the Telecommunications Act of 1996, and characterized the Agreement as a “Traffic Termination Agreement.” Staff can find no reference in Section 252 to “Traffic Termination Agreement.” 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 submit any future modifications or amendments to the Agreement to the Commission for approval.

Respectfully submitted,

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General Counsel

/s/ David A. Meyer

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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 15th day of December 2005.

/s/ David A. Meyer_____