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December 4, 2003

FILED

DEC 04 2003

Secretary
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P. O. Box 360
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Missouri Public
Service Commission

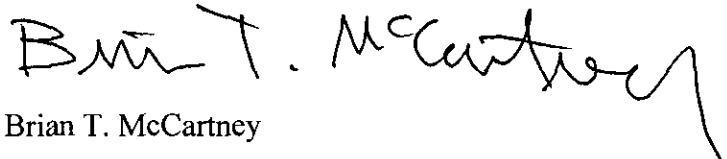
Re: Case No. TK-2004-0191

Dear Mr. Roberts:

Enclosed for filing on behalf of Lathrop Telephone Company, please find an original and eight copies of a Motion for Clarification.

Please bring this filing to the attention of the appropriate Commission personnel. A copy of this filing will be provided to parties of record. If there are any questions, please direct them to me at the above number. I thank you in advance for your cooperation in this matter.

Sincerely,


Brian T. McCartney

BTM/da
Enclosures
cc: Parties of Record

DEC 04 2003

Missouri Public
Service Commission

Case No. TK-2004-0191

MOTION FOR CLARIFICATION

COMES NOW Lathrop Telephone Company ("Lathrop") and for its Motion for Clarification, states to the Commission as follows:

SUMMARY

On November 26, 2003, the Commission issued its *Order* approving the agreement between Lathrop and Sprint PCS. Lathrop seeks an order of clarification to clarify two matters: first, that Lathrop has not waived its rural exemption under Section 251(f) of the Telecommunications Act; and second, that the agreement between Lathrop and Sprint PCS, which is characterized by the Commission as an “Interconnection” agreement, involves the exchange of traffic over an indirect connection. This clarification is consistent with prior Commission orders.

DISCUSSION

A number of Missouri's small rural local exchange companies (LECs) have entered into agreements with wireless carriers such as Verizon Wireless and Sprint PCS to terminate wireless traffic that is delivered over indirect connections. After an oral presentation to the Commission, the Commission clarified that while these agreements between the small companies and the wireless carriers can be

characterized as "Interconnection Agreements," they nevertheless involve indirect interconnection and do not terminate the small companies' 251(f) rural exemption.

For example, in the case involving Lathrop's agreement with Verizon Wireless, the Commission issued an order which declined to refer to the agreement as a "traffic termination" agreement but clarified that the agreement involved the indirect exchange of traffic and did not waive Lathrop's rural exemption. Specifically, the order stated:

251(f) Rural Exemption: "The exemption at Section 251(f) does not terminate, by its express terms, until this Commission makes certain findings. The order herein at issue does not make those findings, and the Commission finds that Lathrop has not waived its rural exemption."¹

Indirect Interconnection: "While Lathrop and Verizon are evidently not directly interconnected, they are certainly indirectly interconnected."²

These statements are equally true for the Agreement between Lathrop and Sprint PCS.

PROPOSED CLARIFICATION

Consistent with prior Commission orders, Lathrop respectfully requests that the Commission issue an order clarifying that the Agreement between Lathrop and Sprint PCS addresses the indirect exchange of traffic and does not terminate Lathrop's Section 251(f) rural exemption. (e.g. "The Agreement between Lathrop and Sprint PCS addresses indirect exchange of traffic. Lathrop has not waived, nor has the Commission terminated, Lathrop's Section 251(f) rural exemption.")

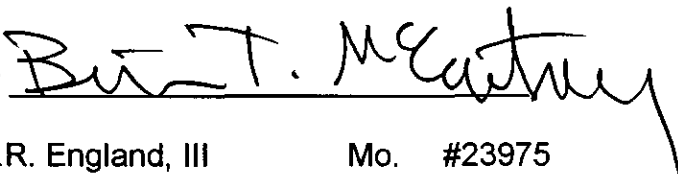
¹ *Lathrop's Application for Approval of a Traffic Termination Agreement under the Telecommunications Act of 1996*, Case No. IO-2003-0214, *Order Denying Motion for Correction*, issued Sept. 25, 2003.

² *Id.*

CONCLUSION

WHEREFORE, Lathrop respectfully requests the Commission to issue an Order clarifying that: (1) the Agreement between Lathrop and Sprint PCS addresses indirect exchange of traffic, and (2) Lathrop has not waived, nor has the Commission terminated, Lathrop's rural exemption under 47 U.S.C. 251(f).

Respectfully submitted,

By 

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CERTIFICATE OF SERVICE

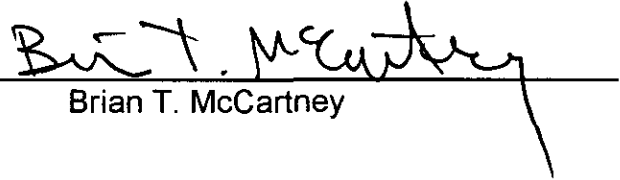
I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or hand-delivered on this 4th day of December, 2003, to the following parties:

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