

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

In the Matter of the Application of                     )  
FairPoint Communications Missouri, Inc.             )  
For Approval of Traffic Exchange                    )  
Agreement with Verizon Wireless                    )  
Under 47 U.S.C. § 252.                                 )

Case No. \_\_\_\_\_

**APPLICATION OF  
FAIRPOINT COMMUNICATIONS MISSOURI, INC.  
FOR APPROVAL OF TRAFFIC EXCHANGE AGREEMENT WITH  
VERIZON WIRELESS**

**COMES NOW** FairPoint Communications Missouri, Inc. ("FairPoint Communications"), pursuant to Missouri Public Service Commission ("Commission") Rule 4 CSR 240-3.513(1), and hereby applies for approval by the Commission of the accompanying Traffic Exchange Agreement ("Agreement") voluntarily entered into by FairPoint Communications and the Verizon Wireless entities listed on the signature page of the Agreement and on Attachment A thereto, individually and collectively doing business as Verizon Wireless (collectively "Verizon Wireless"), pursuant to the federal Telecommunications Act of 1996 (the "Act") under 47 U.S.C. § 252(e).

1. FairPoint Communications is a Missouri corporation that is duly authorized to do business in the state of Missouri, and its principal place of business is located at 260 West 1<sup>st</sup> Street, P.O. Box 398, Peculiar, Missouri 64078. A copy of FairPoint Communications' Certificate of Good Standing issued by the Missouri Secretary of State on April 3, 2007, is attached hereto as Exhibit A and incorporated herein by reference in accordance with Commission Rule 4 CSR 240-2.060(1)(B). FairPoint Communications is a "local exchange

telecommunications company” and a “public utility,” and is duly authorized to provide “telecommunications service” within the State of Missouri as each of those terms are defined in Section 386.020, RSMo. 2000.

2. All correspondence, communications, and orders and decisions of the Commission issued in this matter should be sent to:

Larry W. Dority  
FISCHER & DORITY, P.C.  
101 Madison, Suite 400  
Jefferson City, Missouri 65101  
Telephone: (573) 636-6758  
Facsimile: (573) 636-0383  
E-mail: [lwdority@sprintmail.com](mailto:lwdority@sprintmail.com)

3. FairPoint Communications has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of the Application. No Missouri annual reports or assessment fees are overdue.

In support of this Application, FairPoint Communications states the following:

#### **I. AGREEMENT REACHED**

FairPoint Communications presents to this Commission for approval the attached “Traffic Exchange Agreement Between FairPoint Communications Missouri, Inc. And Verizon Wireless” that was negotiated and executed pursuant to the terms of the Act. Following good faith negotiations to address all of the complex issues involved in such an agreement, the parties signed the Agreement on March 19, 2007, and hereby file the Agreement, together with two attachments incorporated therein, with all pages sequentially numbered. There are no outstanding issues between the parties to the Agreement that need the assistance of mediation or arbitration.

## **II. REQUEST FOR APPROVAL**

FairPoint Communications seeks the Commission's approval of the Agreement, consistent with the provisions of the Act. FairPoint Communications believes that the implementation of this Agreement complies fully with Section 252(e) of the Act because the Agreement is consistent with the public interest, convenience and necessity, and does not discriminate against any telecommunications carrier. The Agreement promotes interconnectivity and diversity in providers, and will increase customer choices for telecommunications services.

FairPoint Communications respectfully requests that the Commission grant approval of this Agreement, without change, suspension or other delay in its implementation. This is a bilateral agreement, reached as a result of negotiation and compromise between FairPoint Communications and Verizon Wireless.

## **III. STANDARD FOR REVIEW**

The statutory standards of review are set forth in Section 252(e) of the Act, which provides:

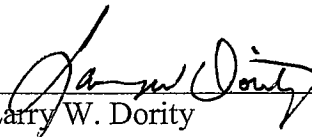
- (e) **APPROVAL BY STATE COMMISSION**
  - (1) **APPROVAL REQUIRED.** – Any interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the State commission. A State commission to which an agreement is submitted shall approve or reject the agreement, with written findings as to any deficiencies.
  - (2) **GROUND FOR REJECTION.** – The State Commission may only reject –
    - (A) an agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that –
      - (i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
      - (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity; . . . .

#### IV. MISSOURI LEGISLATION

The negotiated and executed Agreement is consistent with Missouri Senate Bill 507, which became effective on August 28, 1996.

**WHEREFORE**, FairPoint Communications Missouri, Inc. respectfully requests the Commission to enter an Order approving the Traffic Exchange Agreement with Verizon Wireless.

Respectfully submitted,

  
\_\_\_\_\_  
Larry W. Dority MBN 25617  
FISCHER & DORITY, P.C.  
101 Madison, Suite 400  
Jefferson City, Missouri 65101  
Telephone: (573) 636-6758  
Facsimile: (573) 636-0383  
E-mail: lwdority@sprintmail.com

Attorneys for  
FairPoint Communications Missouri, Inc.

**VERIFICATION**

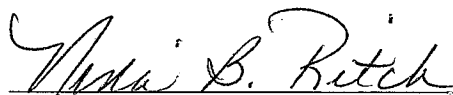
STATE OF NORTH CAROLINA    )  
  ) SS  
COUNTY OF Mecklenburg    )

I, Peter G. Nixon, of lawful age, being first duly sworn upon my oath, state that I am the Chief Operating Officer of FairPoint Communications Missouri, Inc., and that I am authorized to make this verification on behalf of FairPoint Communications Missouri, Inc.; and that the facts set forth in the foregoing Application are true to the best of my knowledge, information and belief.



\_\_\_\_\_  
Peter G. Nixon

Subscribed and sworn to before me this 4<sup>th</sup> day of April, 2007.



\_\_\_\_\_  
Notary Public

My Commission expires:

02-06-08

## CERTIFICATE OF SERVICE

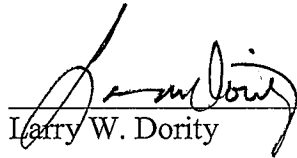
I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered, transmitted by e-mail or mailed, First Class, postage prepaid, this 11<sup>th</sup> day of April, 2007, to:

Office of the Public Counsel  
200 Madison Street  
Jefferson City, MO 65101

Kevin Thompson, General Counsel  
Missouri Public Service Commission  
200 Madison Street  
Jefferson City, MO 65101

Verizon Wireless  
One Verizon Place  
Alpharetta, GA 30004  
Attn: Director – Wireline Interconnection

Verizon Wireless  
1300 I Street, NW Suite 400  
Washington, D.C. 20005  
Attn: Regulatory Counsel, Interconnection

  
\_\_\_\_\_  
Larry W. Dority

# STATE OF MISSOURI



Robin Carnahan  
Secretary of State

CORPORATION DIVISION  
CERTIFICATE OF GOOD STANDING

I, ROBIN CARNAHAN, Secretary of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

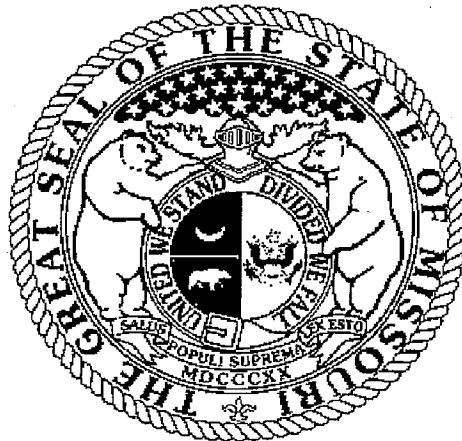
FAIRPOINT COMMUNICATIONS MISSOURI, INC.  
00709242

was created under the laws of this State on the 12th day of January, 2006, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 3rd day of April, 2007

A handwritten signature in cursive script that reads "Robin Carnahan".

Secretary of State



Certification Number: 9585217-1 Reference:  
Verify this certificate online at <http://www.sos.mo.gov/businessentity/verification>