ORIGINAL

## STEWART & KEEVIL, L.L.C.

ATTORNEYS AT LAW

CHARLES BRENT STEWART JEFFREY A. KEEVIL 1001 CHERRY STREET
SUITE 302
COLUMBIA, MISSOURI 65201-7931

TELEPHONE (573) 499-0635 FACSIMILE (573) 499-0638

May 3, 2002

Mr. Dale Hardy Roberts
Secretary/ Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street, Suite 100
P.O. Box 360
Jefferson City, Missouri 65102

Re:

American Cellular Corporation and Dobson Cellular Systems, Inc.

Application for Approval of Interconnection Agreement

Dear Mr. Roberts,

Please find enclosed for filing an original and eight copies of American Cellular Corporation and Dobson Cellular Systems, Inc.'s Application for Approval of Interconnection Agreement. This Application has been filed with the proposed Interconnection Agreement between the Joint Applicants and Southwestern Bell Telephone Company.

A copy of this filing have been sent to the General Counsel's Office and the Office of the Public Counsel. Thank You.

Sincerely,

John Dowe Miller

JDM/nt

Enclosure

cc: General Counsel's Office

Office of the Public Counsel

Leon Bloomfield Timothy J. Duffy

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of	)		
American Cellular Corporation and	)		
Dobson Cellular Systems, Inc. for	)		
Approval of a Cellular/PCS	)		
Interconnection Agreement with	)	Case No.	
Southwestern Bell Telephone Company	)		
Pursuant to Section 252(e) of the	)		
Telecommunications Act of 1996	)		

#### APPLICATION FOR APPROVAL OF INTERCONNECTION AGREEMENT

COMES NOW Applicants American Cellular Corporation and Dobson Cellular Systems, Inc. ("Applicants"), by and through counsel and pursuant to Section 252(e) of the Telecommunications Act of 1996 ("the Federal Act") and the applicable provisions of 4 CSR 240-2.060, and for their Application for approval of their Cellular/PCS Interconnection Agreement with Southwestern Bell Telephone Company ("SWBT") respectfully states as follows:

#### I. 4 CSR 240-2.060 Requirements

- 1. Applicants' legal names are American Cellular Corporation and Dobson Cellular Systems, Inc.<sup>1</sup> Their joint principal offices are located at 14201 Wireless Way, Oklahoma City, Oklahoma 73134, telephone number is (405) 529-8500, fax number (405) 529-8555.
- 2. All correspondence, notices, orders or decisions of the Commission regarding this Application should be sent to:

Dobson Cellular Systems, Inc. is a wholly-owned subsidiary of Dobson Communications Corporation. Dobson Communications Corporation, whose name appears on the interconnection agreement along with joint applicant American Cellular Corporation, has executed this multi-state agreement explicitly on behalf of its operating subsidiaries, which in Missouri, is Dobson Cellular Systems, Inc. Dobson Cellular Systems, Inc is specifically included in this agreement at page 000141. Dobson Cellular Systems, Inc. previously received Missouri Commission approval of its interconnection agreement with ALLTEL Communications Services Corporation in Case No. TO-2001-444 (order issued March 22, 2001).

John Dowe Miller STEWART & KEEVIL, L.L.C. 1001 Cherry Street Suite 302 Columbia, Missouri 65201 (573) 499-0635 (573) 499-0638 (fax) jdowemiller@yahoo.com Timothy J. Duffy Senior Vice President American Cellular Corporation 14201 Wireless Way Oklahoma City, Oklahoma 73134 (405) 529–8500

#### with a copy to:

Leon M. Bloomfield Wilson & Bloomfield LLP 1901 Harrison Street, Suite 1630 (510) 625-8250 (510) 625-82535 (fax)

- 3. Applicants are Oklahoma corporations duly authorized, through their affiliate, to do business in Missouri. Applicants are engaged in the business of providing commercial mobile radio services as licensed by the Federal Communications Commission. Pursuant to 4 CSR 240-2.060(1)(C), Applicants' relevant documents from the Missouri Secretary of State's Office are attached hereto and incorporated herein by reference as **Appendix A**.
- 4. Pursuant to the relevant provisions of Section 386.020 RSMo Supp. 2001, neither Applicant is a "public utility" and therefore they are not subject to the general regulatory jurisdiction of this Commission. However, this Commission does have jurisdiction over both the subject Interconnection Agreement pursuant to the Federal Act, and over the co-signatory to the Interconnection Agreement, incumbent basic local exchange carrier SWBT, pursuant to the relevant provisions of Chapters 386 and 392 RSMo.
- 5. Pursuant to 4 CSR 240-2.060(K) and (L), Applicants affirmatively state that: (i) they have no pending action or final unsatisfied judgments or decisions against them 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 this Application; and (ii) no annual report or assessment fees are overdue.

6. As this not a joint application, any information relating to SWBT is not here being submitted. However, Applicants anticipates that the Commission automatically will make SWBT a party to this proceeding when the Commission issues its standard notice in this case.

#### **II.** The Interconnection Agreement

- 7. Applicants present to the Commission for its approval the Cellular/PCS Interconnection Agreement, with appendices ("the Agreement"), negotiated and executed by and between Applicants and SWBT on February 16, 2001 pursuant to the terms of the Federal Act. An executed original of the Agreement with attachments, with the pages numbered sequentially in the bottom right hand corner, has been filed this day with this Application.
- 8. Applicants seek the Commission's approval of the Agreement, consistent with the provisions of the Federal Act. Applicants believes that the implementation of the Agreement complies fully with Section 252(e) of the Federal Act because the Agreement is consistent with the public interest, convenience and necessity and because it does not discriminate against any telecommunications carrier. The Agreement promotes diversity in providers, promotes interconnectivity, and increases customer choices for telecommunications in Missouri. As such, approval of the Agreement also is consistent with the policies of Chapter 392 RSMo.
- 9. The Agreement is in all substantive respects similar to other wireless interconnection agreements which have been previously approved or which are currently under review by this Commission. There are no outstanding issues between the parties which require

arbitration by this Commission. In order to avoid additional post-approval filings, Applicants already have sequentially numbered the pages of the Agreement in the right hand corner of each page consistent with the Commission's past practice. As such, Applicants request prompt approval of the Agreement without change, suspension or other delay in its implementation.

10. The appropriate standards of review of the Agreement by this Commission are found in Section 252(e) of the Federal Act and are well known to the Commission. Applicants respectfully submit that under these standards, this Commission should not reject and should approve the Agreement, consistent with the Commission's past treatment in prior cases involving similar SWBT wireless interconnection agreements.

WHEREFORE, Applicants American Cellular Corporation and Dobson Cellular Systems, Inc. respectfully request that the Commission approve their Cellular/PCS Interconnection Agreement with Southwestern Bell Telephone Company.

Respectfully, submitted,

John Dowe Miller, MoBar#50891

STEWART & KEEVIL, L.L.C.

1001 Cherry Street, Suite 302

Columbia, Missouri 65201

(573) 499-0635

(573) 499-0638 (fax)

jdowemiller@yahoo.com

ATTORNEYS FOR APPLICANTS AMERICAN CELLULAR CORPORATION AND DOBSON CELLULAR SYSTEMS, INC.

#### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Application was sent this date to the General Counsel's Office and the Office of the Public Counsel by hand-delivery this 3<sup>rd</sup> day of May, 2002.

STATE OF CALIFORNIA	)
	)
COUNTY OF ALAMEDA	)

#### VERIFICATION

Leon M. Bloomfield, being first duly sworn, on his oath and in his capacity as Counsel for Dobson Cellular Systems, Inc. and American Cellular Corporation, states that he is authorized to execute this Application for Approval of Interconnection Agreement on behalf of Dobson Cellular Systems, Inc. and American Cellular Corporation and has knowledge of the matters stated in this Application, and that said matters are true and correct to the best his knowledge and belief.

Leon M. Bloomfield

Subscribed and sworn to before me this 2nd day of May, 2002

Notary Public

My Commission Expires: 1-2/-05



American Cellular Corporation and Dobson Cellular Systems Inc.
Application for Approval of Interconnection Agreement
May5, 2002

# APPENDIX A CERTIFICATE OF AUTHORITY TO TRANSACT BUSINESS

No. F00478694

STATE OF MISSOURI



### Matt Blunt Secretary of State

CORPORATION DIVISION CERTIFICATE OF RESCISSION

I, MATT BLUNT, Secretary of State of the State of Missouri, hereby certify that the administrative dissolution or forfeiture entered against

DOBSON CELLULAR SYSTEMS, INC.

using in Missouri the name

DOBSON CELLULAR SYSTEMS, INC.

on the 28th day of AUGUST, 2000, as provided in the General and Business Corporation Law was this day rescinded, and said corporation was on this date hereby restored to good standing on the records of this office.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 5th day of APRIL, 2002.

Secretary of State

280.00