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August 2, 2021

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Chief Judge Morris Woodruff
Secretary, Missouri Public Service Commission

RE: Fidelity Telephone LLC d/b/a Fidelity Communications – Cancelling Tariff

Dear Secretary Woodruff:

Fidelity Telephone LLC d/b/a Fidelity Communications hereby requests the Missouri Public Service Commission cancel its existing P.S.C. Mo. No. 10 Wireless Termination Service Tariff. The Company has no customers of this service and this tariff is no longer in use.

If you have any questions or need any additional information, please contact me.

Sincerely,

BRYDON SWEARENGEN & ENGLAND P.C.

By: /s/ W.R. "Trip" England, III

cc: Rachel Steinkiste

JI-2022-0028

ADOPTION NOTICE

Local Exchange Service Wireless Termination Service

Fidelity Telephone LLC d/b/a Fidelity Communications hereby adopts, ratifies, and makes its own, in every respect as if the same had been originally filed by it, P.S.C. MO. No. 10 – Local Exchange Service Wireless Termination Service tariff heretofore filed with the Missouri Public Service Commission by Fidelity Telephone Company.

Issued: October 29, 2019

Effective: November 28, 2019

Issued by: Tariff Administrator
210 E. Earll Drive
Phoenix, AZ 85012

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Missouri Public
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JI-2022-0028

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IN-2020-0115; YI-2020-0068

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Public Service Commission**

P.S.C. MO. NO. 10

Original Title Page

**LOCAL EXCHANGE SERVICE
WIRELESS TERMINATION SERVICE**

**Regulations, Rates and Charges
applying to the provision of IntraMTA Wireless
Termination within the operating territory of the**

Fidelity Telephone Company

in the State of

Missouri

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**01-139
FEB 19 2001**

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David Beier
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**LOCAL EXCHANGE SERVICE TARIFF
WIRELESS TERMINATION SERVICE**

A. Application of tariff

This tariff applies to intraMTA traffic originated by a Commercial Mobile Radio Service (CMRS) provider and terminated to end-user subscribers of the Telephone Company (i.e., wireless to wireline traffic) without the direct interconnection of the CMRS provider's and the Telephone Company's networks and where the CMRS provider is physically connected with and delivers traffic to a third party ILEC(s) which in turn delivers the traffic to the Telephone Company.

B. General

1. This service is provided to Commercial Mobile Radio Service (CMRS) providers licensed by the Federal Communications Commission (FCC).
2. Wireless Termination Service is limited to wireless-to-wireline traffic that originates and terminates within the same Major Trading Area (MTA) (i.e., intraMTA traffic)
3. Wireless Termination Service is not available to wireless-to wireline traffic that originates and terminates in two different MTAs (i.e., interMTA traffic). In those situations where a CMRS provider terminates interMTA traffic to the end-user subscribers of the Telephone Company then the rates, terms and conditions of the appropriate access tariff of the Telephone Company (either intrastate or interstate) will apply.
4. These Regulations and Rates are in addition to the Regulations, Rate and Charges in other Telephone Company tariffs.
5. This tariff applies except as otherwise provided in 1) an interconnection agreement between the CMRS provider and the Telephone Company approved by the Commission pursuant to the Act; or 2) a terminating traffic agreement between the CMRS provider and the Telephone Company approved by the Commission.

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- 6. This tariff does not apply to traffic for which the CMRS provider has contracted or otherwise arranged with some other carrier (e.g. an IXC) to assume the responsibility for terminating the traffic.
- 7. The Company reserves the right to withdraw or cancel this tariff upon final resolution of the appeal of the Commission's January 27, 2000 Report and Order in Case No. TT-99-483, et al., currently pending review in Cole County, Missouri. Circuit Court Case No. 00CV323379.

C. Definitions

- 1. "Act" - the Communications Act of 1934, as amended by the Telecommunications Act of 1996, and as from time to time interpreted in the duly authorized rules and regulations of the Federal Communication Commission or a state regulatory commission.
- 2. "CTUSR" - Cellular Terminating Usage Summary Report, provided by Southwestern Bell Telephone Company, tracks the minutes for calls originating from CMRS providers and terminating to LECs.
- 3. "CMRS" - Commercial Mobile Radio Service, as defined in the Act.
- 4. Commission - Missouri Public Service Commission.
- 5. FCC - Federal Communications Commission.
- 6. ILEC - Incumbent local exchange telecommunications company, a local exchange telecommunications company authorized to provide basic local telecommunications service in a specific geographic area within the State of Missouri as of December 31, 1995, or a successor in interest to such a company.

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LOCAL EXCHANGE SERVICE TARIFF
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- 7. Inter-MTA Traffic - Wireless traffic originating on the network of a CMRS provider within one MTA and terminating to the Telephone Company's end-user subscribers in another MTA.
- 8. IntraMTA Traffic - Wireless traffic originating on the network of a CMRS provider within a MTA and terminating to the Telephone Company's end-user subscribers in the same MTA.
- 9. IXC - Interexchange telecommunications company, any company engaged in the provision of telecommunications service between points in two or more exchanges served by an ILEC.
- 10. "LEC" - local exchange carrier, includes any provider of local exchange telecommunications service that holds a certificate of convenience and necessity or certificate of service authority from the Missouri Public Service Commission.
- 11. MTA - The Major Trading Area as defined in 47 C.F.R. paragraph 24-102 of the FCC Rules and Regulations.
- 12. Telephone Company - Fidelity Telephone Company

D. Liability of Telephone Company

- 1. The Telephone Company's failure to provide or maintain service under this Tariff shall be excused by labor difficulties, government orders, civil commotions, acts of God and other circumstances beyond the Telephone Company's reasonable control.
- 2. The Telephone Company's liability, if any, for its gross negligence or willful misconduct is not limited by this Tariff. With respect to any other claim or suit, by a carrier or any other, for damages arising out of mistakes, omissions, interruptions, delays, errors or defects in transmission, the Telephone Company's liability, if any, shall not exceed an amount equivalent to the proportionate charge to the CMRS provider for the period of service during which such mistakes, omissions, interruptions, delays, errors or defects in transmission or service occurs and

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continues. Any such mistakes, omissions, interruptions, delays, errors, or defects in transmission of service, which are caused or contributed to by the negligence or willful act of the CMRS provider or which arise from the use of the CMRS provider's facilities or equipment, shall not result in the imposition of any liability whatsoever upon the Telephone Company.

- 3. The Telephone Company is not liable for any act or omission of other providers.

E. Records and Billing

- 1. The Telephone Company shall issue a bill to the CMRS provider based on the best information available to the Telephone Company including, but not limited to, records of terminating traffic created by the Telephone Company at its end office or tandem switch.
- 2. If possible, the CMRS provider will provide to the Telephone Company billing records in standard industry formats regarding calls it originates that terminate on the Telephone Company's network. Records will be provided at an individual call detail record, if possible, with sufficient information to identify the specific date and time of the call, the call duration, and the originating and terminating numbers.
- 3. If a CMRS provider is unable to provide billing records of the calls that it originates to the Telephone Company, the Telephone Company may use usage reports and/or records (such as a CTUSR) generated by a third party ILEC whose network is used to transit the traffic as the basis for billing the CMRS provider. If the CMRS provider is unable to provide billing records, the CMRS provider will have the responsibility of providing, on a quarterly basis (or as otherwise agreed to by the Telephone Company), a report to the Telephone Company providing the percentage of the CMRS provider's traffic terminated to the Telephone Company that is intraMTA or interMTA traffic. The report will also detail what percentage of the interMTA traffic is intrastate and what percentage is interstate. Such reports shall be based on studies of actual traffic originated by the CMRS provider and terminated to the Telephone Company.

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- 4. Reports regarding the percentages of intraMTA or interMTA traffic (and the intrastate or interstate jurisdiction of interMTA traffic) shall be based on a reasonable traffic study conducted by the CMRS providers and available to the Telephone Company upon request. Such studies shall be conducted no less frequently than once each quarter to ensure that the CMRS provider is using an accurate intraMTA/interMTA percentage.
- 5. The CMRS provider shall pay the Telephone Company for all charges in accordance with the rates set forth in this tariff. Such payments are to be received within thirty (30) days from the effective date of the billing statement. The CMRS provider shall pay a late charge on any undisputed charges which are not paid within the thirty (30) day period. The rate of the late charge shall be the lesser of 1.5% per month or the maximum amount allowed by law. The CMRS provider shall pay the Telephone Company the reasonable amount of the Telephone Company's expenses related to collection of overdue bills, such amounts to include reasonable attorney fees.

F. Verification Reviews

The CMRS provider will be responsible for the accuracy and quality of its data as submitted to the Telephone Company. Upon reasonable written notice, the Telephone Company or its authorized representative shall have the right to conduct a review and verification of the CMRS provider to give assurances of compliance with the provisions of this tariff. This includes on-site verification reviews at the CMRS provider's or vendor locations. The review may consist of an examination and verification of data involving records, systems, procedures and other information related to the traffic originated by the CMRS provider and terminated to the Telephone Company. The CMRS provider will provide the Telephone Company with reasonable access to such information as is necessary to determine amounts payable under this tariff.

G. Refusal and Discontinuance of Service

- 1. If the CMRS provider fails to comply with any of the terms and conditions of this tariff, including any payments to be made by it on the dates and times herein specified, the Telephone Company, may on thirty (30) day's written notice by

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P.S.C. MO. NO. 10

1st Revised Sheet No. 6

Service Commission

Cancelling Original Sheet No. 6

**LOCAL EXCHANGE SERVICE TARIFF
WIRELESS TERMINATION SERVICE**

Certified U.S. Mail to the CMRS provider, refuse additional applications for service and/or refuse to complete any pending orders for service by the non-complying CMRS provider at any time thereafter, or may discontinue the provision of the services to the non-complying CMRS provider at any time thereafter. In the case of such discontinuance, all applicable tariff charges shall become due. Discontinuance of service or the refusal to provide additional services is not appropriate where the CMRS provider has failed to pay for traffic terminated to the Company prior to February 19, 2001.

- 2. If the Telephone Company does not refuse additional applications for service or discontinue the provision of the services involved on the date specified in the thirty (30) day's notice, and the CMRS provider's noncompliance continues, nothing contained herein shall preclude the Telephone Company's right to refuse additional applications for service or to discontinue the provision of the services to the non-complying CMRS provider without further notice.
- 3. If the Telephone Company is unable to effectuate discontinuance of service at its own office it may request the assistance of other ILECs with whom the Telephone Company's network is connected. The Telephone Company may request such other ILEC(s) to take the necessary steps within its/their office(s) to disconnect service to the non-complying CMRS provider or to take such other actions as are necessary and appropriate to effectuate discontinuance of service as authorized by this tariff. This tariff specifically gives authority to such other ILEC's to respond to and honor a request to effect discontinuance of service from the CMRS provider to the Telephone Company without further regulatory authorization.
- 4. In the event a CMRS provider for whom the Telephone Company has effectuated discontinuance of service requests reconnection or restoration of service, such service will not be reconnected or restored unless and until such CMRS provider has paid to the Telephone Company the actual costs assessed to the Telephone Company by any other ILEC for such ILECs assistance in effectuating such discontinuance of service.

H. Rates and Charges

- 1. The rates and rate elements applicable to Inter-MTA Traffic are set forth in the Telephone Company's Switched Access Tariff. The rates for Termination of IntraMTA Traffic are shown in the Rates section below.
- 2. Rates for termination of IntraMTA Traffic:
\$ 0.0572 per minute of use (MOU)

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**LOCAL EXCHANGE SERVICE TARIFF
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- 2. If the Telephone Company does not refuse additional applications for service or discontinue the provision of the services involved on the date specified in the thirty (30) day's notice, and the CMRS provider's noncompliance continues, nothing contained herein shall preclude the Telephone Company's right to refuse additional applications for service or to discontinue the provision of the services to the non-complying CMRS provider without further notice.
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