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January 12, 2005

FILED⁴

JAN 12 2005

**Missouri Public
Service Commission**

EUGENE E. ANDERECK (1923-2004)
GREGORY C. STOCKARD (1904-1993)
PHIL HAUCK (1924-1991)

Secretary
Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

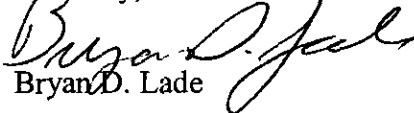
Re: Application of Choctaw Telephone Company for Approval of a Traffic
Termination Agreement Under the Telecommunications Act of 1996

Dear Secretary:

Enclosed for filing please find an original and eight copies of the Application of Choctaw Telephone Company for Approval of a Traffic Termination Agreement Under the Telecommunications Act of 1996 in the above referenced case.

If you have any questions, please contact me at the number listed above.

Sincerely,


Bryan D. Lade

BDL:lw

Encl.

CC: Michael Dandino
Dana K. Joyce
Larry Dority
ALLTEL Director of Communications
Jane Prettyman

FILED⁴

JAN 12 2005

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

**Missouri Public
Service Commission**

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

Case No. _____

**APPLICATION OF CHOCTAW TELEPHONE COMPANY FOR APPROVAL
OF A TRAFFIC TERMINATION AGREEMENT UNDER THE
TELECOMMUNICATIONS ACT OF 1996**

COMES NOW Choctaw Telephone Company ("Choctaw") and hereby files its Application for Approval of a Traffic Termination Agreement between ALLTEL Communications, Inc. under the Telecommunications Act of 1996 ("the Act"). In support of this application, Choctaw states to the Commission as follows:

I. AGREEMENT REACHED

Choctaw is a local exchange carrier operating in Missouri. Choctaw is a Missouri corporation in good standing with the Missouri Secretary of State. In Case No. TK-2003-0373, Choctaw filed a Certificate of Good Standing from the Missouri Secretary of State which Choctaw requests be incorporated by reference in this case. Choctaw is not aware of any pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer services or rates. Choctaw's annual report and assessment fees are not overdue. This information is still current and correct, as evidenced by the notarized affidavit of Ms. Jane Prettyman.

ALLTEL is a commercial mobile radio service carrier operating in Missouri.

On December 21, 2004, after good faith negotiations, Choctaw and ALLTEL executed a Traffic Termination Agreement ("Agreement") for the state of

Missouri pursuant to the terms of the Act (see Agreement, Attachment I).

Pursuant to the Act, Choctaw hereby submits this Agreement for approval by the Commission. The 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 consists of 20 pages. There are no outstanding issues between Choctaw and ALLTEL that need the assistance of mediation or arbitration.

II. REQUEST FOR APPROVAL

Choctaw seeks the Commission's approval of the Agreement, consistent with the provisions of the Act and Missouri Law. Choctaw represents that the implementation of this negotiated an executed agreement complies fully with both Missouri Law and 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. Choctaw respectfully requests that the Commission grant expeditious approval of this agreement, without change, suspension or delay in its implementation. This is a bilateral agreement, reached as a result of negotiations and compromise between the parties. Correspondence, orders, and decisions in this matter should be addressed to:

Jane Prettyman
Choctaw Telephone Co.
112 S. Broadway
Louisburg, KS 66053-0429

Craig S. Johnson/Bryan D. Lade
Andereck, Evans, Milne, Peace &
Johnson, L.L.C.
P.O. Box 1438
Jefferson City, MO 65102-1438
cjohnson@aempb.com
blade@aempb.com

III. COMMISSION AUTHORITY

Under the Federal Telecommunications Act of 1996 ("the Act"), the Commission has the authority to grant the relief requested by Choctaw. Specifically, section 252 (a) of the act provides:

(a) Agreements Arrived at Through Negotiations

(1) **Voluntary Negotiations** - upon receiving a request for interconnection, services, or network elements pursuant to section 251, an incumbent local exchange carrier may negotiate and enter into a binding agreement with requesting telecommunications carrier or carriers without regard to the standards set forth in subsections (b) and (c) of section 251. The agreement shall include a detailed schedule of itemized charges for interconnection in each service or network element included in the agreement. The agreement, including any interconnection agreement negotiated before the date of enactment of the Telecommunications Act of 1996, shall be submitted to the state commission under subsection (e) of this section.

IV. STANDARD OF REVIEW

Under Section 252 of the Act, the Commission has the authority to approve this negotiated agreement. The Commission may only reject an agreement, if the agreement is discriminatory to a nonparty or is inconsistent with the public interest, convenience, and necessity. Section 252(e)(2) of the act provides as follows:

Grounds for Rejection -- The State Commission may only reject --

- (A) an agreement (or any portion thereof) adopted by negotiation under section (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;

The affidavit of Ms. Jane Prettyman, Co-Manager of Choctaw Telephone Company, establishes that the agreement satisfies the standards (see Affidavit, Attachment II).

V. CONCLUSION

WHEREFORE, Choctaw respectfully request the Commission to issue an order that: (1) approves expeditiously the traffic termination agreement between Choctaw and ALLTEL, and (2) grant such other relief as is reasonable in circumstances.

ANDERECK, EVANS, MILNE, PEACE
& JOHNSON, L.L.C.

By 

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ATTORNEYS FOR CHOCTAW
TELEPHONE COMPANY

CERTIFICATE OF SERVICE

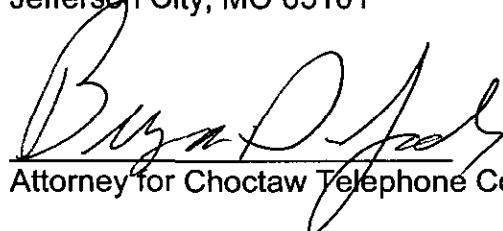
The undersigned does hereby certify that a true and accurate copy of the foregoing was hand delivered or mailed, via U.S. Mail, postage prepaid, this 12th day of January, 2005, to the following parties to:

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Michael F. Dandino
Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Director of Negotiations
ALLTEL Communications, Inc.
One Allied Drive
Little Rock, AR 72202

Larry W. Dority
Fischer & Dority, PC
101 Madison St., Suite 400
Jefferson City, MO 65101


Attorney for Choctaw Telephone Company

VERIFICATION

I, Jane Prettyman, Co-Manager of Choctaw Telephone Company, hereby verify and affirm that I have read the foregoing *APPLICATION OF CHOCTAW TELEPHONE COMPANY FOR APPROVAL OF A TRAFFIC TERMINATION AGREEMENT UNDER THE TELECOMMUNICATIONS ACT OF 1996* and that the statements contained therein are true and correct to the best of my information and belief.


JANE PRETTYMAN

STATE OF KANSAS)
)
COUNTY OF *Miami*)

Subscribed and sworn to me, a Notary Public, on this 4th day of January, 2005.


Notary Public

My commission expires 6-10-2005.

