

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

Application of Citizens Telephone Company of)
Higginsville, Missouri, for Approval of an)
Agreement for Interconnection Under the)
Telecommunications Act of 1996)

Case No. TK-2008-_____

APPLICATION OF CITIZENS TELEPHONE COMPANY

Citizens Telephone Company of Higginsville, Missouri ("Citizens" or "Company"), by and through its undersigned counsel and pursuant to 4 CSR 240-3.513(1) and the Rules of Practice and Procedure of the Missouri Public Service Commission ("Commission"), hereby files this application for approval, under the Telecommunications Act of 1996 (the "Act"), of an agreement for interconnection between Citizens and Verizon Wireless LLC, Cybertel Cellular Telephone Company, St. Joseph CellTelco, and Cellco Partnership, all doing business as Verizon Wireless (collectively "Verizon Wireless"), that the parties voluntarily entered into on or about May 20, 2008 ("Agreement"). In support of this application, the Company states as follows:

1. Citizens is a Missouri corporation whose principal place of business is located at 1905 Walnut, Higginsville, Missouri 64037. Under authority granted by the Commission, the Company provides local exchange telecommunications service to customers located in and around the City of Higginsville, Missouri. A copy of Citizens' Certificate of Good Standing, issued by the Secretary of State of Missouri, is attached to this application as Appendix A and is incorporated herein by reference.
2. Citizens is a "telecommunications company" and also a "public utility," as those terms are defined in Section 386.020, RSMo. 2000; therefore, the Company is subject to the jurisdiction and regulatory supervision of the Commission, as provided by law.
3. There are no final, unsatisfied judgments or decisions pending against Citizens from

any federal or state regulatory agency or court that involve customer service or rates and that have occurred within the three (3) years immediately preceding the filing of this application. The Company also has no annual report or assessment fees that are overdue. Citizens currently has no other matters pending before the Commission.

4. Verizon Wireless provides commercial mobile radio services to customers in various locations in Missouri.

5. Pleadings, notices, orders, and other correspondence and communications concerning this application should be addressed to the undersigned counsel and also to:

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Citizens Telephone Company
1905 Walnut
P.O. Box 737
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Verizon Wireless - MTS
24242 Northwestern Highway
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6. Pursuant to and in accordance with the Act, and after good faith negotiations, Citizens and Verizon Wireless have reached agreement on and have entered into and executed a written interconnection agreement. Those negotiations resolved all issues between the parties; therefore, if the Commission approves the Agreement without change there will be no issues that need to be resolved through mediation or arbitration. A copy of the interconnection agreement that Citizens and Verizon Wireless have voluntarily entered into is attached to this application as Appendix B and is incorporated herein by reference.

7. Citizens requests that, consistent with the requirements of the Act and of Missouri law, the Commission expeditiously approve the Agreement and that it do so without change, suspension, or delay. As reflected in the affidavit of Brian Cornelius, which is attached to this application as Appendix C and is incorporated herein by reference, the Company represents that the Agreement complies fully with both Missouri law and Section 252(e) of the Act because the terms of

the Agreement are consistent with the public interest, convenience, and necessity and do not discriminate against any telecommunications carrier.

8. The Act vests the Commission with authority to grant the relief that Citizens is requesting in this application. Specifically, Section 252(a) of the Act provides, in relevant part, as follows:

(a) AGREEMENTS ARRIVED AT THROUGH NEGOTIATION

- (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 the 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 and 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.* (emphasis added)

Moreover, the Act provides that the Commission may reject an agreement reached through voluntary negotiations only if that agreement is discriminatory to a non-party or is inconsistent with the public interest, convenience, and necessity. Section 252(e)(2) of the Act states, in relevant part, as follows:

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;

The interconnection agreement that Citizens and Verizon Wireless have entered into does not qualify for rejection under either of these statutory criteria.

WHEREFORE, for the reasons stated in its application, Citizens respectfully requests the

Commission to issue an order that: (1) expeditiously approves the interconnection agreement that was voluntarily negotiated between the Company and Verizon Wireless, and (2) grants such other relief as the Commission may deem reasonable under the circumstances.

Respectfully submitted,



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ATTORNEYS FOR CITIZENS TELEPHONE
COMPANY OF HIGGINSVILLE, MISSOURI

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document this 5th day of June, 2008, to the following parties:

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

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/s/ L. Russell Mitten