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March 15, 2005

**FILED<sup>2</sup>**

MAR 15 2005

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

**Missouri Public  
Service Commission**

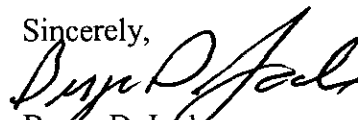
Re: Application of Missouri RSA No. 5 Partnership d/b/a Chariton Valley Wireless  
for Approval of an Interconnection Agreement with Southwestern Bell  
Telephone, L.P. d/b/a SBC Missouri Pursuant to Section 252(e) of the  
Telecommunications Act of 1996

Dear Secretary:

Enclosed for filing please find an original and eight copies of the Application of Missouri  
RSA No. 5 Partnership d/b/a Chariton Valley Wireless for Approval of an Interconnection  
Agreement with SBC Missouri 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: Office of Public Counsel  
General Counsel, PSC  
Jim Simon  
Leo Bub  
Southwestern Bell, L.P.

FILED<sup>2</sup>

MAR 15 2005

Missouri Public  
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

Application of Missouri RSA No. 5 Partnership )  
d/b/a Chariton Valley Wireless For Approval of )  
an Interconnection Agreement with )  
Southwestern Bell Telephone, L.P. d/b/a )  
SBC Missouri pursuant to Section 252(e) of the )  
Telecommunications Act of 1996. )

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

**APPLICATION OF MISSOURI RSA NO. 5 PARTNERSHIP  
d/b/a CHARITON VALLEY WIRELESS FOR APPROVAL OF  
AN INTERCONNECTION AGREEMENT WITH SBC MISSOURI**

**COMES NOW** Missouri RSA No. 5 Partnership d/b/a Chariton Valley Wireless ("CVW") and hereby file is Application for Approval of an Interconnection Agreement with Southwestern Bell Telephone, L.P. d/b/a SBC Missouri ("SBC") pursuant to Section 252(e) of the Telecommunications Act of 1996. In support of this Request, CVW states the following:

1. CVW is a Missouri partnership providing commercial mobile radio service pursuant to FCC license, and operating in Missouri. CVW 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.

2. SBC Missouri is an incumbent local exchange company certificated by the Commission to provide local service in Missouri.

3. On February 15, 2005, after good faith negotiations, CVW and SBC Missouri executed a Cellular/PCS Interconnection Agreement ("Agreement")

applicable to the state of Missouri. The Agreement is attached hereto and incorporated by reference as Attachment A.

4. Pursuant to Section 252(e)(1) of the Act, applicants hereby submit this Agreement for approval by the Commission.

5. 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 not a party thereto.

6. Approval and implementation of the Agreement complies fully with both Missouri law and Section 252(e) of the Act, effectuates the bilateral agreement between Applicants, and for which reasons Applicants request that the Commission approve such agreement without change, suspension, or delay.

7. Correspondence, orders, and decisions in this matter should be addressed to:

James Simon  
General Manager  
Chariton Valley Communications Corp.  
109 Butler  
Macon, Missouri 63552

Craig S. Johnson/Bryan D. Lade  
Andereck, Evans, Milne, Peace & Johnson, LLC  
700 East Capitol Ave.  
P.O. Box 1438  
Jefferson City, MO 65102-1438  
Telephone: 573-634-3422  
Facsimile: 573-634-7822

8. Under the Federal Telecommunications Act of 1996 ("the Act"), the Commission has the authority to grant the relief requested by CVW. 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.

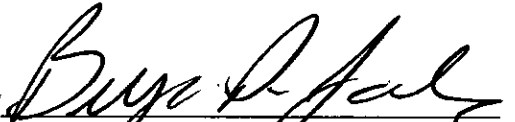
9. Under Section 252 of the Act, the Commission has the authority to approve this negotiated agreement. The Commission may only reject an agreement, if the agreement is discriminatory to a nonparty or is inconsistent with the public interest, convenience, and necessity. Section 252(e)(2) of the act provides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

**WHEREFORE**, CVW respectfully requests the Commission to issue an order that: (1) approves expeditiously the interconnection agreement between CVW and SBC Missouri, and (2) grant such other relief as is reasonable in circumstances.

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

By 

Craig S. Johnson MO Bar No. 28179

Bryan D. Lade MO Bar No. 55232

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ATTORNEYS FOR CHARITON VALLEY  
WIRELESS

**CERTIFICATE OF SERVICE**

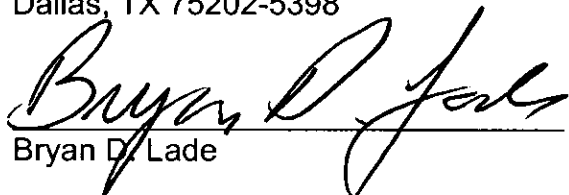
The undersigned does hereby certify that a true and accurate copy of the foregoing was hand delivered or mailed, via U.S. Mail, postage prepaid, this 15<sup>th</sup> day of March, 2005, to the following parties to:

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

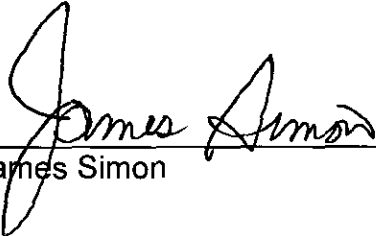
Leo J. Bub  
Southwestern Bell Telephone, L.P.,  
d/b/a SBC Missouri  
One SBC Center, Room 3518  
St. Louis, MO 63101

Southwestern Bell Telephone, L.P.  
Contract Management  
Attn: Notices Manager  
311 S. Akard, 9<sup>th</sup> Floor  
Four Bell Plaza  
Dallas, TX 75202-5398

  
Bryan D. Lade

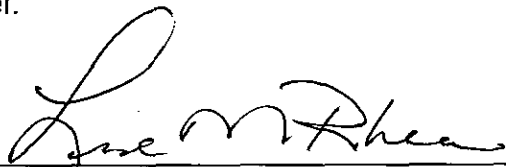
**VERIFICATION**

I, James Simon, General Manager of Missouri RSA No. 5 Partnership  
d/b/a Chariton Valley Wireless, hereby swear and affirm that I am authorized to  
speak on behalf of Applicant Chariton Valley Wireless, and attest to the veracity  
of the statements contained in this application.

  
\_\_\_\_\_  
James Simon

STATE OF MISSOURI     )  
                                      ) ss  
COUNTY OF Macon     )

I, Lise M. Rhea, a Notary Public do hereby certify that  
on this 10<sup>th</sup> day of March, 2005, personally appeared before  
me James Simon who declared that the information contained herein above is  
true, to the best of his knowledge and belief.

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

My Commission Expires:

