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March 27, 2003

Mr. Dale Hardy Roberts
Secretary
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

FILED³

MAR 27 2003

**Missouri Public
Service Commission**

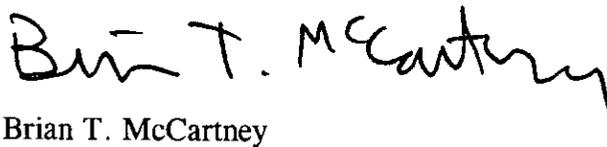
Re: Case No. CK-2003-0287

Dear Mr. Roberts:

Enclosed for filing please find an original and eight copies of a Motion for Correction in the above-referenced matter.

Please see that this filing is brought to the attention of the appropriate Commission personnel. I thank you in advance for your cooperation in this matter.

Sincerely,



Brian T. McCartney

BTM/lar

Enclosure

cc: Parties of Record

FILED³

MAR 27 2003

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Missouri Public
Service Commission

Application of Fidelity Communications Services I,)
Inc. for Approval of a Traffic Termination Agreement) Case No. CK-2003-0287
under the Telecommunications Act of 1996)

MOTION FOR CORRECTION

COMES NOW Fidelity Communications Services I ("Fidelity I") and for its *Motion for Correction* states to the Commission as follows:

1. On February 13, 2003, Fidelity I filed its *Application for Approval of a Traffic Termination Agreement*.
2. On March 27, 2003, the Commission issued an *Order Approving Interconnection Agreement* in this case. The title of the Commission's *Order* refers to the agreement between Fidelity I and Verizon Wireless as an "Interconnection" Agreement rather than a "Traffic Termination" Agreement.
3. Fidelity I requests that the Commission issue a corrected *Order* with the following changes:
 - (A) The title changed to *Order Approving Traffic Termination Agreement*.
 - (B) The deletion of footnote 1.
 - (C) The fourth sentence corrected to read as follows: "The Agreement will cover traffic originated by, and under the responsibility of one of the parties and terminated to the other party without direct interconnection of the parties' networks."

- (D) The first ordered paragraph on page five of the *Order* revised to read as follows: "1. That the Traffic Termination Agreement between Fidelity Communications Services I, Inc. and Verizon Wireless, LLC, St. Joseph CellTelco, and Cellco Partnership (all doing business as Verizon Wireless), filed on February 13, 2003, is approved."

4. **This Commission has issued other orders approving Traffic**

Termination Agreements. See e.g. *Application of BPS Telephone Company for Approval of a Traffic Termination Agreement under the Telecommunications Act of 1996*, Case No. IO-2003-0207, *Order Approving Traffic Termination Agreement*, issued Feb. 3, 2003; *Application of Rock Port Telephone Company for Approval of a Traffic Termination Agreement under the Telecommunications Act of 1996*, Case No. IK-2003-0259, *Order Approving Traffic Termination Agreement*, issued Mar. 4, 2003.

5. **The Commission has issued numerous orders approving "Resale"**

Agreements.¹ In these cases, the Commission referred to the agreements as "resale"

¹ *Application of Spectra for Approval of Resale Agreement with Phone Connection*, Case No. TK-2003-0221, *Order Approving Resale Agreement*, issued Feb. 6, 2003; *Application of CenturyTel for Approval of Resale Agreement with Delta Phones*, Case No. IK-2003-0192, *Order Approving Resale Agreement*, issued Jan. 6, 2003; *Application of Local Line America for Approval of Resale Agreement with Southwestern Bell*, Case No. CK-2002-1047, *Order Approving Resale Agreement*, issued June 7, 2002; *Application of Sprint for Approval of Resale Agreement with Global Connection*, Case No. TO-2002-418, *Order Approving Resale Agreement*, issued April 11, 2002; *Application of Sprint for Approval of Resale Agreement with Texas Hometel*, Case No. TO-2002-410, *Order Approving Resale Agreement*, issued April 11, 2002; *Application of Sprint for Approval of Resale Agreement with Metro Teleconnect*, Case No. TO-2002-417, *Order Approving Resale Agreement*, issued April 9, 2002; *Application of Spectra for Approval of Resale Agreement with Cat Communications International*, Case No. TO-2002-230, *Order Approving Resale*

agreements rather than "interconnection" agreements. These orders demonstrate that the Act does not require the Commission to refer to every agreement it approves in accordance with Section 252 of the Act as an "interconnection" agreement.

6. **Other state commissions have issued orders approving Traffic Termination Agreements.** For example, the Florida Public Service Commission has issued a number of orders that approve traffic termination agreements. See e.g. Attachment A (*In re: Request by Vista-United Telecommunications for Approval of an Interim Traffic Termination and Billing Agreement with 2nd Century Communications*, Docket No. 000188-TP, *Order Approving Interim Traffic Termination and Billing Agreement*, issued April 21, 2000).

7. **Agreement Reached and Relief Sought.** Fidelity I's *Application* seeks Commission approval of a Traffic Termination Agreement, and the Agreement between Fidelity I and Verizon Wireless is clearly marked in boldfaced, underlined type as a **TRAFFIC TERMINATION AGREEMENT**. The express terms of the Agreement explain that it is a traffic termination agreement executed pursuant to 47 U.S.C. 251(b)(5) and **"is not an interconnection agreement under 47 U.S.C. 251(c)."** See Agreement, Section 20.1 (page 17 of 20) (emphasis added).

Agreement, issued Jan. 10, 2002; *Application of Verizon for Approval of Resale Agreement with Preferred Carrier Services*, Case No. TO-2002-166, *Order Approving Resale Agreement*, issued Nov. 26, 2001; *Application of Local Line America for Approval of Resale Agreement with ALLTEL*, Case No. TO-2002-166, *Order Approving Resale Agreement*, issued Oct. 31, 2001.

8. **Alternative.** If the Commission does not want to refer to the agreement as a Traffic Termination Agreement, then Fidelity I respectfully requests that the Commission simply change the title to *Order Approving Agreement* and delete the other references to "interconnection" listed above in paragraph 3.

WHEREFORE, Fidelity I respectfully requests the Commission to issue an *Order* that makes the corrections listed above and grants such other relief as is reasonable in the circumstances.

Respectfully submitted,

By Brian T. McCartney

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CERTIFICATE OF SERVICE

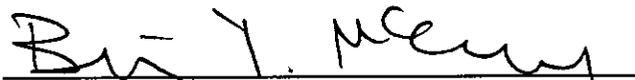
I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or hand-delivered on this 27th day of March, 2003, to the following parties:

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Walnut Creek, CA 94598



Brian T. McCartney

In re: Request by Vista-United Telecommunications for approval of interim traffic termination and billing agreement with 2nd Century Communications, Inc.

DOCKET NO. 000188-TP; ORDER NO. PSC-00-0790-FOF-TP

Florida Public Service Commission

2000 Fla. PUC LEXIS 497

00 FPSC 4:330

April 21, 2000

[*1] The following Commissioners participated in the disposition of this matter: JOE GARCIA, Chairman, J. TERRY DEASON, SUSAN F. CLARK, E. LEON JACOBS, JR., LILA A. JABER

OPINION: ORDER APPROVING INTERIM TRAFFIC TERMINATION AND BILLING AGREEMENT

BY THE COMMISSION:

On February 15, 2000, Vista-United Telecommunications (Vista-United) and 2nd Century Communications, Inc. (2nd Century Communications) filed a request for approval of an interim traffic and billing agreement pursuant to 47 U.S.C. § 252(e) of the Telecommunications Act of 1996 (the Act). The agreement is incorporated by reference herein. A copy of the agreement may be obtained from the official docket file by contacting our Division of Records and Reporting.

Both the Act and Chapter 364, Florida Statutes, encourage parties to enter into negotiated agreements to bring about local exchange competition as quickly as possible. Under the requirements of 47 U.S.C. § 252(e), negotiated agreements must be submitted to the state commission for approval. Section 252(e)(4) requires the state to reject or approve the agreement within 90 days after submission or it shall be deemed approved.

This agreement covers a two-year [*2] period and governs the relationship between the companies exchange of local traffic and toll traffic pursuant to 47 U.S.C. § 251. Under 47 U.S.C. § 252(a)(1), the agreement shall include a detailed schedule of itemized charges for interim traffic and billing and each service or network element included in the agreement.

Upon review of the proposed agreement, we believe that it complies with the Act; thus, we hereby approve it. Vista-United and 2nd Century Communications are also required to file any subsequent supplements or modifications to their agreement with the Commission for review under the provisions of 47 U.S.C. § 252(e).

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the interim traffic and billing agreement between Vista-United Telecommunications and 2nd Century Communications, Inc., is incorporated by reference in this Order, and is hereby approved. A copy of the agreement may be obtained as specified in the body of this Order. It is further

ORDERED that any supplements or modifications to this agreement must be filed with the Commission for review under the provisions of 47 U.S.C. § 252(e). It is further

ORDERED that this Docket shall [*3] be closed.

By **ORDER** of the Florida Public Service Commission, this 21st day of April, 2000.

BLANCA S. BAYO, Director

Division of Records and Reporting