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January 9, 2004

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

FILED

JAN 09 2004

Re: Case No. TC-2002-57

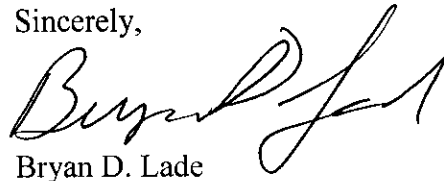
Missouri Public
Service Commission

Dear Secretary:

Enclosed please find an original and eight (8) copies of the Notice of Alma Telephone Company, Choctaw Telephone Company, and MoKan Dial, Inc. in the above cited case.

Thank you for seeing this filed. If you should have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Bryan D. Lade

Enc.

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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED

JAN 09 2004

Missouri Public
Service Commission

Northeast Missouri Rural Telephone Company)
et al.,)
Petitioners,)
v.)
Southwestern Bell Telephone Company,)
Respondent.)

Case No. TC-2002-57

NOTICE

Come now Petitioners Alma Communications Company d/b/a Alma Telephone Company (“Alma”), Choctaw Telephone Company (“Choctaw”), and MoKan Dial Inc. (“MoKan”), collectively referred to herein as “Petitioners”, and hereby notify the Commission and the other parties to this docket that Petitioners have elected not to file direct testimony on January 9, 2004, but instead have elected to accept that, except where there is a stipulation between Alma, Choctaw, or MoKan and a wireless carrier providing to the contrary, zero percent of the traffic at issue terminating to these three Petitioners be determined to be intraMTA traffic.

The reasons for Petitioners’ elections are as follows:

1. Alma has claims against Cingular, US Cellular, T-Mobile, Western Wireless and Sprint PCS. Of these, Alma has reached a stipulation with Sprint PCS and Western Wireless as to the proportion of interMTA and intraMTA traffic. The remaining claims against Cingular, US Cellular, and T-Mobile involve approximately 160,000 terminating minutes of use between

February 5, 1998 and December 31, 2001.¹ Of those terminating minutes of use, approximately 94,000 terminated before the February 17, 2001 effective date of Alma's wireless termination service tariff, and 66,000 terminated after the effective date of Alma's wireless termination service tariff.

2. Choctaw has claims against Cingular and US Cellular. These remaining claims involve approximately 66,000 terminating minutes of use between February 5, 1998 and December 31, 2001. Of those terminating minutes of use, approximately 29,000 terminated before the February 17, 2001 effective date of Choctaw's wireless termination service tariff, and 37,000 terminated after the effective date of Choctaw's wireless termination service tariff.

3. MoKan has claims against Cingular, US Cellular, T-Mobile, Western Wireless and Sprint PCS. Of these, MoKan has reached a stipulation with Sprint PCS and Western Wireless as to the proportion of interMTA and intraMTA traffic. The remaining claims against Cingular, US Cellular, and T-Mobile involve approximately 840,000 terminating minutes of use between February 5, 1998 and December 31, 2001.² Of those terminating minutes of use, approximately 590,000 terminated before the February 19, 2001 effective date of MoKan's wireless termination service tariff, and 250,000 terminated after the effective date of MoKan's wireless termination service tariff.

4. For Petitioners' collective approximate 713,000 minutes of use terminating prior to the effective date of their wireless termination service tariffs, the only compensation mechanism potentially applicable is Petitioners' access tariffs. The access tariffs do not distinguish between landline-originated traffic and wireless-originated traffic. The access tariffs

¹ Assuming T-Mobile USA, as successor to VoiceStream Wireless and Aerial Communications, is the carrier responsible for the traffic terminated during this period, Western Wireless' factor would apply to none of this past traffic. Should it be determined that Western Wireless is responsible for some portion of this past traffic, the stipulated factor would apply, and Western Wireless would be billed for that portion of the traffic.

² The same situation applies to MoKan as portrayed in Footnote 1.

do not distinguish between interMTA and intraMTA wireless-originated traffic. Presentation of evidence as to the proportions of intraMTA and interMTA traffic volumes would not assist the Commission in determining what compensation mechanism, if any, is applicable to this traffic.

5. For Petitioner's 353,000 minutes of use terminating between February and December, 2001, the period in which their wireless termination service tariffs were in effect, Petitioners state that intraMTA traffic is subject to that tariff, but interMTA traffic is subject to Petitioners' access tariff. The rate differential between Petitioners' wireless termination service tariff and access tariff averages about .0207 cents per minute.

6. Petitioners are located sufficiently in the center of their respective MTAs that they do not believe that they would have over 25% of wireless traffic being interMTA in jurisdiction.

7. Petitioners do not have the internal resources to attempt to conduct the type of traffic studies or analyses the larger members of the MITG with greater traffic volumes have conducted. Petitioners have determined that the burden and cost of employing outside consultants to attempt to prepare studies of the proportions of interMTA and intraMTA wireless traffic outweigh any potential financial benefit to having portions of that traffic being determined to be interMTA traffic.

8. Based upon the foregoing, in lieu of presenting direct testimony, except for traffic between Petitioners and a wireless carrier for which a stipulated proportion of interMTA and intraMTA traffic has been executed and filed herein, Petitioners will accept the determination that none or zero percent of the traffic terminating to these Petitioners between February 5, 1998 and December 31, 2001 is interMTA traffic, and that all or one hundred percent of the traffic terminating to these Petitioners is intraMTA traffic.

**ANDERECK, EVANS, MILNE,
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By: 

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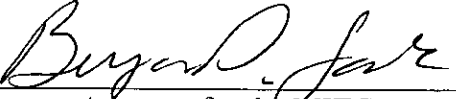
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ATTORNEYS FOR MISSOURI

INDEPENDENT TELEPHONE GROUP

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was hand delivered or mailed, U. S. Mail, postage pre-paid, to all counsel of record in the above captioned matter this 9th day of January 2004, to all attorneys of record in this proceeding.


Attorney for the MITG