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February 10, 2003

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

FILED[3]
FEB 1 0 2003
Missouri Public
Service Commission

Re: Case No. IO-2003-0209

Dear Mr. Roberts:

Enclosed for filing please find an original and eight (8) copies of a Motion for Correction on behalf of Iamo Telephone Company.

Please see that this filing is brought to the attention of the appropriate Commission personnel. A copy of the attached will be provided to parties of record. I thank you in advance for your cooperation in this matter.

Sincerely,

Brian T. McCartney

Brian T. McCartney

BTM/da
Enclosure
cc: Parties of Record

FILED[3]

FEB 1 0 2003

Missouri Public Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Application of IAMO Telephone Company for Approval of a Traffic Termination Agreement under the Telecommunications Act of 1996	)))	Case No. IO-2003-0209

MOTION FOR CORRECTION

COMES NOW IAMO Telephone Company ("IAMO") and for its *Motion for Correction* states to the Commission as follows:

1. On December 19, 2002, IAMO filed its *Application for Approval of a Traffic Termination Agreement.*

2. On February 6, 2003, the Commission issued an *Order Approving Interconnection Agreement* in this case. The Commission's *Order* refers to the agreement between IAMO and Verizon Wireless as an "Interconnection" Agreement rather than a "Traffic Termination" Agreement. The *Order* also appears to reference a direct interconnection.

3. IAMO requests that the Commission issue a corrected *Order* with the following changes:

(A) The title changed to *Order Approving Traffic Termination Agreement.*[1]

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[1] See ATTACHMENT A (*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, 2002).

(B) The first sentence of the *Order* revised to read as follows: "This order approves the Traffic Termination Agreement executed by the parties and filed by IAMO Telephone Company."

(C) The second sentence of the *Order* revised to read as follows: "On December 19, 2002, IAMO filed an application with the Commission for approval of a Traffic Termination Agreement with Verizon Wireless, LLC."

(D) The fourth sentence of the *Order* changed 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."[2]

(E) That the first ordered paragraph on page five of the *Order* be revised to read as follows: "1. That the Traffic Termination Agreement between IAMO Telephone Company and Verizon Wireless, LLC, filed on December 19, 2002, is approved."

WHEREFORE, IAMO 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.

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[2] *See Id.*

Respectfully submitted,

By Brian T. McCartney

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Attorneys for IAMO

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 16th day of February, 2003, to the following parties:

General Counsel
Missouri Public Service Commission
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Jefferson City, Missouri 65102

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Walnut Creek, CA 94598

Brian T. McCartney

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

Application of BPS Telephone Company for)
for Approval of a Traffic Termination Agreement) **Case No. IO-2003-0207**
under the Telecommunications Act of 1996.)

ORDER APPROVING TRAFFIC TERMINATION AGREEMENT

This order approves the Traffic Termination Agreement executed by the parties and filed by BPS Telephone Company.

On December 18, 2002, BPS Telephone Company filed an application with the Commission for approval of a Traffic Termination Agreement with Verizon Wireless, LLC. The Agreement was filed pursuant to Section 252(e)(1) of the Telecommunications Act of 1996.[1] 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. BPS holds a certificate of service authority to provide basic local telecommunications services in Missouri.

Although Verizon is a party to the Agreement, it did not join in the application. On December 20, 2003, the Commission issued an order making Verizon a party in this case and directing that any party wishing to request a hearing do so no later than January 9, 2003. No requests for hearing were filed.

The Staff of the Commission filed a memorandum on January 24, 2003, recommending that the Agreement be approved.

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[1] See 47 U.S.C. §251, et seq.

Discussion

Under Section 252(e) of the Act, any interconnection agreement adopted by negotiation must be submitted to the Commission for approval. The Commission may reject an agreement if it finds that the agreement is discriminatory or that it is not consistent with the public interest, convenience and necessity.

The Staff of the Commission recommends in its memorandum that the Agreement be approved and notes that the Agreement meets the limited requirements of the Act in that it is not discriminatory toward nonparties and is not against the public interest. Staff recommends that the Commission direct the parties to submit any further modifications of amendments to the Commission for approval.

Findings of Fact

The Missouri Public Service Commission, having consider all of the competent and substantial evidence upon the whole record, makes the following findings of fact.

The Commission has considered the application, the supporting documentation, and Staff's recommendation. Based upon that review, the Commission concludes that the Agreement meets the requirements of the Act in that it does not discriminate against a nonparty carrier and implementation of the Agreement is not inconsistent with the public interest, convenience and necessity. The Commission finds that approval of the Agreement should be conditioned upon the parties submitting any modifications of amendments to the Commission for approval pursuant to the procedure set out below.

Modification Procedure

The Commission has a duty to review all resale and interconnection agreements, whether arrived at through negotiation or arbitration, as mandated by the Act.[2] In order for the Commission's role of review and approval to be effective, the Commission must also review and approve or recognize modification to these agreements. The Commission has further duty to make a copy of every resale and interconnection agreement available for public inspection.[3] This duty is in keeping with the Commission's practice under its own rules of requiring telecommunications companies to keep their rate schedules on file with the Commission.[4]

The parties to each resale or interconnection agreement must maintain a complete and current copy of the agreement, together with all modifications, in the Commission's offices. Any proposed modification must be submitted for Commission approval or recognition, whether the modification arises through negotiation, arbitration, or by means of alternative dispute resolution procedures.

Modifications to an agreement must be submitted to the Staff for review. When approved or recognized, the modified pages will be submitted in the agreement, which should contain the number of the page being replaced in the lower right-hand corner. Staff will date-stamp the pages when they are inserted into the agreement. The official record of the original agreement and all the modification made will be maintained in the Commission's Data Center.

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[2] 47 U.S.C. §252.

[3] 47 U.S.C. §252(h)

[4] 4 CSR 240-30-010

The Commission does not intend to conduct a full proceeding each time the parties agree to a modification. Where a proposed modification is identical to a provision that has been approved by the Commission in another agreement, the Commission will take notice of the modification once Staff has verified that the provision is an approved provision and has prepared a recommendation. Where a proposed modification is not contained in another approved agreement, Staff will review the modification and its effects and prepare a recommendation advising the Commission whether the modification and its effects be approved. The Commission may approve the modification based on the Staff recommendation. If the Commission chooses not to approve the modification, the Commission will establish a case, give notice to interested parties and permit responses. The Commission may conduct a hearing if it is deemed necessary.

Conclusion of Law

The Missouri Public Service Commission has arrived at the following conclusions of law.

The Commission, under the provisions of Section 252(e)(1) of the federal Telecommunications Act of 1996,[5] is required to review negotiated interconnection agreements. It may only reject a negotiated agreement upon a finding that its implementation would be discriminatory to a nonparty or inconsistent with the public interest convenience and necessity.[6] Based upon its review of the Agreement between BPS and Verizon and its findings of fact, the Commission concludes that the Agreement is neither discriminatory nor inconsistent with the public interest and should be approved.

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[5] 47 U.S.C. §252(e)(1).

[6] 47 U.S.C. §252(e)(2)(A).

The Commission notes that prior to providing telecommunications services in Missouri, a party shall possess the following: (1) an interconnection agreement approved by the Commission; (2) except for wireless providers, a certificate of service authority from the Commission to provide interexchange or basic local telecommunications services; and (3) except for wireless providers, a tariff approved by the Commission.

IT IS THEREFORE ORDERED:

1. That the Traffic Termination Agreement between BPS Telephone Company and Verizon Wireless, LLC, filed on December 18, 2002, shall be approved.

2. That any changes or modification to this Agreement shall be filed with the Commission pursuant to the procedure outlined in this order.

3. That this order shall become effective on February 13, 2003.

4. That this case may be closed on February 14, 2003.

BY THE COMMISSION

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Law Judge

(S E A L)

Kennard L. Jones, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 3rd day of February, 2003.