

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

BPS Telephone Company, <i>et al.</i> ,)	
)	
Complainants,)	
)	
vs.)	Case No. TC-2002-1077
)	
Voicestream Wireless Corporation, Western)	
Wireless Corp., and Southwestern Bell)	
Telephone Company,)	
)	
Respondents.)	

Concurring Opinion of Commissioner Steve Gaw

I respectfully concur in the decision reached by the majority in its Report and Order issued in the above-captioned proceeding. In its decision, the majority relies upon interMTA factors offered by the parties in order to reach certain conclusions regarding the nature of the traffic originated by customers of T-Mobile and Western Wireless, transited by Southwestern Bell Telephone Company ("SBC") and terminated by the individual Complainants during the period of time beginning on February 19, 2001.

By this concurrence I wish to make clear that my agreement with the majority is as to its conclusion and not to its rationale. My conclusion is predicated solely on accepting the unanimous agreement of the parties, achieved with the dismissal of SBC. Initially, these three factors were disputed by SBC. As reflected in footnote 34, however, these interMTA factors became unopposed once the complaints against SBC was dismissed.

As such there is now a unanimous argument by the parties. But the opinion takes an additional step and "concludes that the record supports a finding that the final three Complainants have interMTA factors over 50%." The record in this case does not clearly support these findings on inter/intraMTA factors.

Respectfully submitted,



Steve Gaw, Commissioner

Dated at Jefferson City, Missouri,
on this 9th day of February, 2005.