

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

Halo Wireless, Inc.	)	
	)	
Complainant,	)	
	)	Case No. TC-2012-0331
v.	)	
	)	
CRAW-KAN TELEPHONE	)	
COOPERATIVE, INC., et al.,	)	
	)	
Respondents.	)	

**MOTION FOR EXPEDITED RESOLUTION  
OF HALO'S FIRST AMENDED FORMAL COMPLAINT**

Pursuant to 4 CSR 240-2.080 (14) and 4 CSR 240-29.120(5) and 29.130(9), Complainant Halo Wireless, Inc. moves for expedited resolution of this case and its First Amended Formal Complaint. In support of this motion Halo states as follows:

1. On April 9, 2012, Halo filed a Motion for Expedited Resolution and a Motion to Amend its Formal Complaint (Dkt. ## 22, 23). On April 10, 2012, the Commission granted Halo's motion for expedited treatment and Halo's motion to file a First Amended Formal Complaint (Dkt. # 26). By the terms of the Order, Halo is uncertain whether the Commission was granting the motion to expedite as to the Motion to Amend only, or if the Commission's Order granted expedited resolution as to both the Motion to Amend and the First Amended Formal Complaint itself.

2. Out of an abundance of caution, Halo files this second Motion for Expedited Resolution of the First Amended Formal Complaint being filed herewith. The reason for this belt and suspenders filing is the that the "Johnson Respondents" have moved to dismiss this action (Dkt. # 4), based in part on claimed non-compliance with 4 CSR 240-2.080 (14) and 4 CSR 240-29.120(5) and 29.130(9) with regard to expediting the original Formal Complaint,

despite the Commission's Order of April 3, 2012, which clearly recognized that Halo had sought expedited treatment (Dkt. # 3). Because the chief purpose of Halo's Motion to Amend was to moot the Johnson Respondents' technical argument, Halo believes the Commission has already granted the relief sought by this additional filing. However, in light of the litigation posture taken by the Johnson Respondents, Halo believes this additional filing is nonetheless appropriate.

3. In support of this motion for expedited resolution of the First Amended Formal Complaint, Halo states as follows:

- A. This matter arose as a result of requests by the Non-AT&T Respondents (as defined in the First Amended Formal Complaint) that Respondent AT&T Missouri commence blocking of Halo's traffic.
- B. The Non-AT&T Respondents sent requests to AT&T Missouri for blocking of Halo's traffic under Missouri's Enhanced Record Exchange ("ERE") Rules, and AT&T Missouri provided notice of such requests on February 23, March 13, and March 26, 2012, respectively. In such notices, AT&T Missouri stated that it intends to comply with these requests and begin blocking Halo traffic to the Non-AT&T Respondents on April 3, April 12, and April 24, 2012, respectively. Moreover, on March 19, 2012, AT&T Missouri sent Halo its own notice of intent to block Halo traffic under a different provision of the ERE Rules, with blocking to begin on April 25, 2012. In all cases, AT&T notified Halo that blocking would begin automatically unless Halo filed a formal complaint with this Commission. On February 23, 2012 and again on March 13, 2012, AT&T Missouri gave notice to Halo that it intended to commence blocking Halo's traffic on April 3, 2012 and April 12, 2012, respectively.

- C. On March 15, 2012, in an effort to resolve the dispute, Halo responded to the Respondents explaining that the proposed blocking was unauthorized by state and federal telecommunications law, and requested a response no later than March 30, 2012. Neither the Non-AT&T Respondents nor AT&T Missouri provided the courtesy of any response to Halo's March 15, 2012 letter.
- D. Accordingly, on April 2, 2012, Halo filed its Formal Complaint in this matter (Dkt. # 1). That request included a request for expedited treatment as required by 4 CSR 240-2.080(14) and 4 CSR 240-29.120(5) and 29.130(9) in the event that it was determined that the blocking claims could go forward despite the automatic stay imposed by Halo's bankruptcy proceeding.
- E. On April 3, 2012, AT&T Missouri gave notice that in light of Halo's Formal Complaint it would temporarily refrain from blocking Halo's traffic (Dkt. # 2).
- F. In its Order of April 3, 2012, the Commission acknowledged that Halo was seeking expedited treatment of its Formal Complaint: "Halo requests the Commission to grant expedited consideration of its complaint pursuant to Commission Rules 4 CSR 240-29.120(5) and 29.130(9)." The Commission granted the request and ordered an expedited schedule (Dkt. # 3).
- G. Halo moved expeditiously in filing its Formal Complaint when it became clear that neither the Non-AT&T Respondents nor AT&T Missouri were willing to enter into negotiations, or even a principled dialogue regarding the blocking notice as requested by Halo's March 15, 2012. Halo filed its Formal Complaint on the next business day after the time for discussions expired on March 30, 2012. At no time prior did either the Non-AT&T Respondents or AT&T Missouri notify Halo of their intention not to negotiate.

H. Expedited treatment of this case under 4 CSR 240-29.120(5) and 29.130(9) is necessary and in the public interest because the threat to block Halo's traffic necessarily presents the risk to the convenience, rights and safety of Halo's customers and to the general public to whom Halo's customers wish to communicate. AT&T Missouri's threat to unilaterally block Halo's traffic (at the insistence of the Non-AT&T Respondents) would result in calls addressed to Missouri end users not completing; these are calls involving peoples' personal lives and the conduct of their business. Moreover, AT&T Missouri's threat to block Halo traffic, whether acted upon or not, materially diminishes Halo's ability to compete in the telecommunications market and deprives the general public of the healthy competition which is the cornerstone of state and federal telecommunications policy.

WHEREFORE, on the basis of the foregoing, and for the reasons stated in Halo's Formal Complaint and First Amended Formal Complaint, Halo Wireless Inc. asks that, if this case is not stayed by the bankruptcy proceeding, the Commission grant expedited resolution of this case as set forth in the First Amended Formal Complaint.

Respectfully submitted this 10<sup>th</sup> day of April, 2012.

Respectfully submitted,



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### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document has been filed with the Missouri Public Service Commission electronic filing system and has been e-mailed to the following counsel of record this 10th day of April, 2012:

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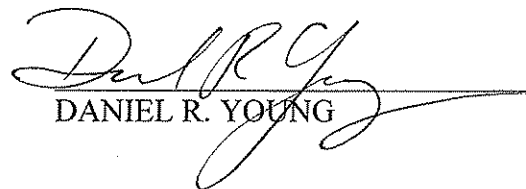
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