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May 9, 2002

Secretary
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P. O. Box 360
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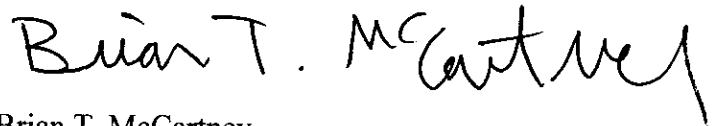
Re: Case No. TC-2002-57

Dear Mr. Roberts:

Enclosed for filing in above referenced matter, please find an original and eight copies of Kingdom Telephone Company's Motion for Leave to Dismiss Western Wireless and to Withdraw Motion for Default Judgment.

Please see that this filing is brought to the attention of the appropriate Commission personnel. If there are any questions regarding this matter, please direct them to me at the above number. Thank you in advance for your attention to and cooperation in this matter.

Sincerely,



Brian T. McCartney

BTM/da
Enclosures
cc: Parties of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Northeast Missouri Rural Telephone Company)	
and Modern Telecommunications Company,)	
)	
Petitioners,)	
)	
vs.)	Case No. TC-2002-57
)	
Southwestern Bell Telephone Company,)	
Southwestern Bell Wireless (Cingular),)	
Voicestream Wireless (Western Wireless),)	
Aerial Communications, Inc., CMT Partners)	
(Verizon Wireless), Sprint Spectrum LP,)	
United States Cellular Corp., and Ameritech)	
Mobile Communications, Inc.,)	
)	
Respondents.)	

KINGDOM TELEPHONE COMPANY'S
MOTION FOR LEAVE TO DISMISS WESTERN WIRELESS
AND TO WITHDRAW MOTION FOR DEFAULT JUDGMENT

Comes now Kingdom Telephone Company (Kingdom or Company) and for its Motion for Leave to Dismiss Western Wireless, pursuant to 4 CSR 240-2.116(1), and Leave to Withdraw Motion for Default Judgment, states to the Commission as follows:

1. On October 30, 2001 and January 16, 2002, Kingdom filed its Complaint and First Amended Complaint, respectively, (hereinafter the "Complaint") against a number of Commercial Mobile Radio Service (CMRS) providers and Southwestern Bell Telephone Company (SWBT). Western Wireless was one of the named Respondent CMRS providers.

2. On January 22, 2002, the Commission issued its *Order Adopting Procedural Schedule* in this matter which, among other things, directed Complainants to file their direct testimony on April 10, 2002.

3. On April 9, 2002, Kingdom filed its Notice of Dismissal with respect to all Respondents in Kingdom's individual complaint case with the exception of Western Wireless.

4. On April 10, 2002, Kingdom filed a Motion for Default Judgment against Western Wireless.

5. On or about April 16, 2002, Western Wireless filed its Motion to File Answer Out of Time and its Response to Kingdom's Motion for Default Judgment.

6. Subsequently, Kingdom and Western Wireless have been able to resolve the issues that previously existed between them and Kingdom is willing to dismiss its Complaint as it pertains to Western Wireless.

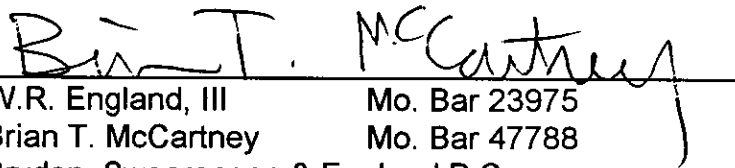
7. Commission Rule 4 CSR 240-2.116(1) [Dismissal] states, in pertinent part, as follows:

Once evidence has been offered or prepared testimony filed, an applicant or complainant may dismiss an action only by leave of the Commission, or by written consent of the adverse parties.

Inasmuch as prepared testimony has been filed in this consolidated case (albeit by other Complainants), Kingdom hereby requests leave of the Commission to dismiss its Complaint, without prejudice, against Western Wireless, and, if leave to dismiss is granted, to also withdraw its Motion for Default Judgment.

WHEREFORE, Kingdom respectfully requests that the Commission grant Kingdom's motion for leave to: (a) dismiss Western Wireless as a Respondent in Kingdom's Complaint; (b) withdraw its Motion for Default Judgment; and (c) for such other action as is appropriate in the circumstances.

Respectfully submitted,



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Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was mailed or hand-delivered, this 10th day of May, 2002 to:

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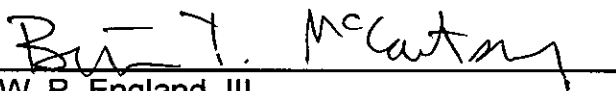
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