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## Missouri Public Service Commission

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April 1, 1999

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DANA K. JOYCE  
General Counsel

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

FILED  
APR 01 1999  
Missouri Public  
Service Commission

RE: Case No. TT-99- 433 Peace Valley Telephone Company

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and fourteen (14) conformed copies of a **MOTION TO SUSPEND**.

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

Penny G. Baker  
Deputy General Counsel  
(573) 751-6651  
(573) 751-9285 (Fax)

PGB/slr  
Enclosure  
cc: Counsel of Record

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED

APR 01 1999

Missouri Public  
Service Commission

In the Matter of Peace Valley )  
Telephone Company's Filing to )  
Revise its Access Service Tariff, )  
P.S.C. Mo. No. 2. )

Case No. TT-99- 433  
Tariff No. 9900655

**MOTION TO SUSPEND**

COMES NOW the Staff of the Missouri Public Service Commission (Staff)  
and for this Motion to Suspend states as follows:

1. On March 9, 1999, Peace Valley Telephone Company (Peace Valley) filed a Second Revised Sheet No. 13, to replace the First Revised Sheet No. 13, for Peace Valley, Missouri in its P.S.C. MO. tariff No. 2. The revised sheet has an issuance date of March 10, 1999, and an effective date of April 9, 1999. A copy of Tariff file No. 990655 is attached hereto for convenience as Attachment 1.

2. The stated purpose for the revision is stated in the filing letter as "to clarify that access rates apply until superseded by an approved interconnection agreement."

3. Peace Valley proposes to change the language of its access tariff to read, "The provisions of this tariff apply to all traffic regardless of type or origin, transmitted to or from the facilities of the Telephone Company, by any other carrier, directly or indirectly, until and unless superseded by an agreement approved pursuant to the provisions of 47 U.S.C. 252, as may be amended."

4. Peace Valley's filing comes as a direct result of the Cole County Circuit Court's February 23, 1999 ruling in Case No. CV-198-178CC, which affirmed the Commission's Report and Order in Case No. TT-97-524.<sup>1</sup> The Commission, in Case No. TT-97-524, approved a revision to Southwestern Bell Telephone Company's (SWBT) Wireless Carrier Interconnection Service Tariff. The Commission's *Report and Order* addressed the termination of traffic that originates on a Commercial Mobile Radio Service (CMRS) network, transits the SWBT network, and terminates on a third party local exchange company (LEC) network

5. Peace Valley, with this revision, will apply its switched access rates to traffic originating on a CMRS network that terminates on Peace Valley's network.

6. The FCC held that traffic to or from a telecommunications network, that originates and terminates within the same Major Trading Area (MTA), is local traffic (hereafter referred to as intra-MTA traffic). Further, the FCC determined that this intra-MTA traffic is subject to transport and termination rates under §§ 251(b)(5) and 252(d)(2) of the Communications Act of 1934, rather than interstate or intrastate access charges.

7. The Staff considers it inappropriate to tariff rates for the termination of intra-MTA CMRS-originated traffic without first determining if the proposed rates meet the requirements of the Act. Staff recommends Peace Valley's filing

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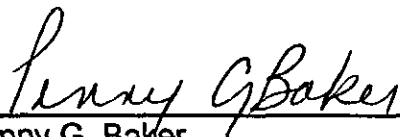
<sup>1</sup> In the Matter of Southwestern Bell Telephone Company's Filing to Revise its Wireless Carrier Interconnection Service Tariff, P.S.C. Mo. -No. 40., *Report and Order*, issued December 23, 1997.

be suspended and set for hearing to determine the appropriateness of applying tariffed access rates to intra-MTA CMRS-originated traffic.

WHEREFORE, the Staff respectfully requests the Commission suspend the revised tariff sheet of Peace Valley, set an early prehearing conference, and for further relief as the Commission deems appropriate.

Respectfully submitted,

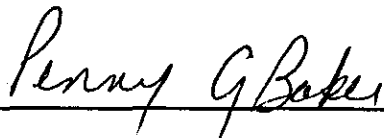
DANA K. JOYCE  
General Counsel

  
Penny G. Baker  
Deputy General Counsel  
Missouri Bar No. 34662

Attorney for the Staff of the  
Missouri Public Service Commission  
P.O. Box 360  
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(573) 751-9285 (fax)

#### Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of records as shown on the attached service list this 1<sup>st</sup> day of April 1999.

  
Penny G. Baker

ANDERECK, EVANS, MILNE, PEACE & BAUMHOER

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MARVIN L. SHARP

OF COUNSEL

GREGORY C. STOCKARD (1904-1993)

PHIL HAUCK (1924-1991)

March 9, 1999

RECEIVED  
MAR 9 1999  
Records  
Public Service Commission

Mr. Dale Hardy Roberts  
Chief Administrative Law Judge  
MO Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

Re: Peace Valley PSC Mo No. 2, 2nd Revised Sheet No. 13, Replacing 1st Revised Sheet No. 13

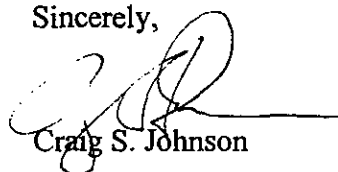
Dear Mr. Roberts:

Enclosed for filing please find an original and 3 copies of the above referenced tariff sheet for Peace Valley Telephone Company. The sheet bears an issuance date of March 10, 1999 and a proposed date of April 19, 1999.

In affirming the Commission's Report and Order in TT-97-524, the Cole County Circuit Court Judgement of February 23, 1999 in CV 198-178CC concluded that, in approving SWB's revised wireless interconnection tariff, the Commission did not foreclose any carrier from applying their existing access tariffs to certain traffic types. The purpose of this filing is to clarify that access rates apply until superseded by an approved interconnection agreement. The company is not waiving its right to assert that the access tariffs are applicable prior to the effective date of this tariff revision.

Please direct any Staff questions or concerns to me.

Sincerely,

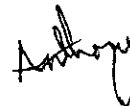


Craig S. Johnson

CSJ:skl

Enclosure

cc: Maurice Bosserman



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9900655

## P.S.C. MO. NO. 2

Peace Valley Telephone Co.

Second Revised Sheet No. 13  
Replaces First Revised Sheet No. 13  
For Peace Valley, Missouri

### APPLICABILITY OF THIS TARIFF

The provisions of this tariff apply to all traffic regardless of type or origin, transmitted to or from the facilities of the Telephone Company, by any other carrier, directly or indirectly, until and unless superseded by an agreement approved pursuant to the provisions of 47 U.S.C. 252, as may be amended.

### ACCESS SERVICE TARIFF CONCURRENCE

#### Access Services

Access services are those services which are described in the Access Services Tariff of Oregon Farmers Mutual Telephone Company. These services are offered by the Company to intrastate interexchange customers (ICs) in accordance with the rules and regulations specified in the Access Service Tariff of Oregon Farmers Mutual Telephone Company and approved by the Missouri Public Service Commission, and in any amendments thereto and authorized by the Missouri Public Service Commission or applicable law. The Company does not concur in the rates for access services of Oregon Farmers Mutual Telephone Company. Rates for these services are set out in the following pages of this concurrence.

#### Provision of Services

The Company, to the extent that such services are or can be made available with reasonable effort, and after provisions have been made for the Company's telephone exchange services, will provide to an intrastate IC, upon reasonable notice, services of the type offered in Oregon Farmers Mutual Telephone Company's Access Services Tariff pursuant to the terms and conditions specified therein and at the rates specified in the following pages of this concurrence. The Company's concurrence in Oregon Farmers Mutual Telephone Company's Access Services Tariff shall not be construed or deemed a representation that all services and service components described therein are available from the Company.

#### Cancellation Rights

The Company reserves the right to cancel and make void the above concurrence statement, subject to requirements as may be ordered by the Missouri Public Service Commission, at any and such time as it appears that such cancellation is in the best interest of the Company and/or its customers.

Issued: March 10, 1999

Maurice Bosserman. Effective: April 9, 1999  
Manager  
Peace Valley, Missouri 65788

**Service List for**

**Case No: TT-99- \_\_\_\_ Peace Valley Telephone Co.**

**Revised: April 1, 1999**

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