

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of Alma Communications Company)
d/b/a Alma Telephone Company, Chariton Valley)
Telephone Corporation, Chariton Valley Telecom)
Corporation, Choctaw Telephone Company,)
Mid-Missouri Telephone Company, a Corporate)
division of Otelco, Inc. and MoKan DIAL, Inc.,)

Complainants

vs.

Halo Wireless, Inc. and Southwestern Bell Telephone)
Company d/b/a AT&T Missouri,)

Respondent

Case No. TO-2012-0035

APPLICATION TO INTERVENE

COMES NOW the Small Telephone Company Group (STCG)¹ and for its
Application to Intervene, states to the Missouri Public Service Commission
(Commission) as follows:

PROCEDURAL HISTORY

1. On August 1, 2011, Alma Communications Company et al. (Complainants) filed this case (the Complaint). Complainants allege that the Interconnection Agreement (the Agreement) between Halo Wireless, Inc. (Halo) and Southwestern Bell Telephone L.P. d/b/a AT&T Missouri (AT&T) discriminates against third parties and is inconsistent with the public interest by permitting Halo to deliver non-local and non-wireless (i.e., interexchange) “transit” traffic to rural, third party local exchange carriers (LECs). Complainants seek a Commission order rejecting and terminating those provisions in

¹ See Attachment A.

the Agreement that purport to authorize Halo to send to AT&T, and AT&T to “transit” Halo traffic to rural LECs.

2. On August 2, 2011, the Commission issued its notice of contested case.
3. On August 12, 2011, Halo filed its suggestions of Bankruptcy, and Notice of Stay.
4. On August 16, 2011, the Commission entered its order indefinitely staying filing deadlines.
5. On August 19, 2011, Halo filed its notice of removal to Federal Court.
6. On December 21, 2011, the U.S. District Court for the Western District of Missouri remanded this case to the Commission.
7. The Commission issued its notice of remand on December 29, 2011.
8. On January 17, 2012, the Commission issued its Order granting Complainants’ unopposed motion to reactivate the case and directing Halo and AT&T to respond to the application no later than January 31, 2012. Complainants and PSC Staff were directed to reply to these responses by February 13, 2012.

APPLICATION TO INTERVENE

9. For the purposes of this case, the STCG consists of the companies listed in Attachment A. The STCG member companies are small local exchange carriers that provide local telephone and exchange access service in rural Missouri pursuant to Commission certificates of service authority. The STCG member companies directly or indirectly subtend AT&T switched access tandems for purposes of receiving traffic from Halo.

10. Beginning in late 2010, the STCG companies began receiving traffic from Halo under the same circumstances described in the Complaint. To date, Halo has paid no compensation to the STCG member companies for Halo's use of the STCG member companies' networks. Thus, the STCG companies have been harmed by Halo's actions under the Agreement, and the STCG companies have an interest that is different from that of the general public and which may be adversely impacted by a final order arising from this case. The STCG supports the relief sought by the Complainants.

11. The interests of the STCG member companies have been directly and adversely affected by the Agreement as it has allowed Halo to deliver interexchange telecommunications traffic to the STCG member companies' exchanges in violation of the STCG's tariffs and in the absence of appropriate billing records or compensation. The STCG companies have filed a separate complaint against Halo in Case No. TC-2011-0404. Granting the STCG's requested intervention will serve the public interest because the STCG member companies have many years of expertise in the regulatory and technical requirements for providing telecommunications services to rural Missouri. Granting intervention also advances judicial economy by avoiding the need for the STCG to file its own similar complaint and request to consolidate.

12. The STCG is aware of and prepared to comply with the deadlines established by the Commission's January 17, 2012 order directing filing.

CONCLUSION

WHEREFORE, the STCG respectfully requests that the Commission GRANT its application to intervene and issue such other relief as is reasonable and necessary in the circumstances.

Respectfully submitted,

By: /s/ Trip England

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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 19th day of January, 2012, to the following parties:

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/s/ Trip England

ATTACHMENT A

BPS Telephone Company,
Citizens Telephone Company of Higginsville, Mo.
Craw-Kan Telephone Cooperative, Inc.
Ellington Telephone Company
Fidelity Communication Services I, Inc.
Fidelity Communication Services II, Inc.
Fidelity Telephone Company
Goodman Telephone Company
Granby Telephone Company
Grand River Mutual Telephone Corporation
Green Hills Telephone Corporation
Green Hills Telecommunications Services
Holway Telephone Company
Iamo Telephone Company
Kingdom Telephone Company
K.L.M. Telephone Company
Lathrop Telephone Company
Le-Ru Telephone Company
Mark Twain Rural Telephone Company
Mark Twain Communications Company
McDonald County Telephone Company
Miller Telephone Company
New Florence Telephone Company
New London Telephone Company
Northeast Missouri Rural Telephone Company
Orchard Farm Telephone Company
Oregon Farmers Mutual Telephone Company
Ozark Telephone Company
Peace Valley Telephone Company, Inc.
Rock Port Telephone Company
Seneca Telephone Company
Steelville Telephone Exchange, Inc.
Stoutland Telephone Company