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October 18, 2002

**FILED<sup>3</sup>**

**JAN 30 2003**

Secretary of PSC  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

Missouri Public  
Service Commission

**Re: Consolidated Case No. TC-2002-57**

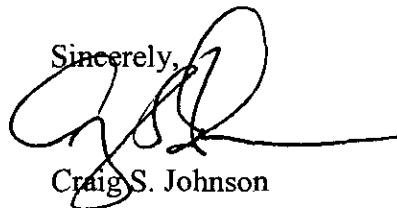
Dear Secretary:

Enclosed for filing please find an original and five (5) copies of Alma Telephone Company's Motion to Dismiss with Prejudice certain claims Alma made against Ameritech Cellular, Ameritech Mobile Communications, Inc., CMT Partners and Verizon Wireless

On behalf of Alma Telephone Company, as well as on behalf of the Verizon Wireless entities, I would request that the Commission enter an Order approving the dismissal of the Petition of Alma's claims against the Verizon Wireless entities, as set forth in this Motion, with prejudice.

Thank you for seeing this filed.

Sincerely,



Craig S. Johnson

CSJ:tr

Enc.

cc:

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EXHIBIT A

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>3</sup>

JAN 30 2003

Missouri Public  
Service Commission

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, Ameritech Mobile )  
Communications, Inc., )  
Respondents. )

**MOTION TO DISMISS WITH PREJUDICE**

COMES NOW Alma Telephone Company ("Alma") ("Petitioner") and, pursuant to 4 CSR 240-2.116(4) hereby states as follows:

1. Petitioner has filed a complaint ("Complaint") that has been consolidated into this docket.

2. Petitioner has reached a settlement with Ameritech Cellular, Ameritech Mobile Communications, Inc., CMT Partners, and Verizon Wireless ("Respondents") as to the disputes and controversies existing between them as reflected in this case. As a result, with all matters between them resolved, Petitioner need not pursue its claims against Respondents, nor require Respondents to defend such claims.

3. Petitioner hereby represents to the Commission that the Petitioner and Respondents have executed and delivered to each other an Agreement resolving all disputes

between them as to the claims, which such Agreement constitutes good cause under 4 CSR 240-2.116(4) to dismiss this Complaint.

4. In addition, since Petitioner has named Southwestern Bell Telephone Company as a party in connection with its claims against Respondents, and because of the alleged existence of an indemnity between SWBT and the Respondents, Petitioner is now in a position to release and dismiss SWBT as to and only with respect to the claims of Petitioner against Respondents.

WHEREFORE, Petitioner prays and requests that the Commission issue its Order dismissing with prejudice the Complaint of Petitioner versus CMT Partners, Ameritech Cellular, Ameritech Mobile Communications, Inc., and Verizon Wireless. In addition, Petitioner prays and requests that the Commission issue its Order dismissing Southwestern Bell Telephone Company to the extent of, but only to the extent of, the aforementioned Complaint.

Respectfully submitted,

ANDERECK, EVANS, MILNE, PEACE  
& JOHNSON, L.L.C.

By: 

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**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing Motion to Dismiss With Prejudice was mailed, first class mail, postage pre-paid, the 30 day of January, 2003 to:

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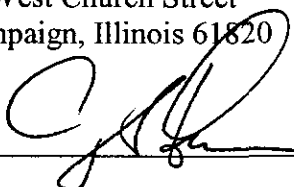
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