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August 5, 1999

FILED

AUG 05 1999

Missouri Public
Service Commission

Mr. Dale Hardy Roberts
Chief Administrative Law Judge
Missouri Public Service Commission
Post Office Box 360
Jefferson City, MO 65102

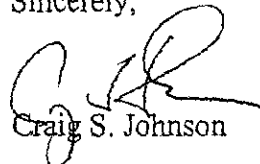
Re: TT-99-428, 429, 430, 431, 433

Dear Mr. Roberts:

Enclosed please find an original and 15 copies of the New Proposed Procedural Schedule submitted by the above referenced companies in response to the Commission's August 3rd Order directing the new procedural schedule be filed.

Thank you for seeing this filed. I have sent a copy via U.S. mail to all attorneys of record.

Sincerely,



Craig S. Johnson

CSJ:skl
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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED

AUG 05 1999

Missouri Public
Service Commission

| | | |
|---|---|--------------------|
| In the Matter of Alma Telephone |) | |
| Company's Filing to Revise its Access |) | Case No. TT-99-428 |
| Service Tariff, PSC Mo No. 2. |) | |
| In the Matter of MoKan Dial, Inc.'s |) | |
| Filing to Revise its Access |) | Case No. TT-99-429 |
| Service Tariff, PSC Mo No. 2. |) | |
| In the Matter of Mid-Missouri Telephone |) | |
| Company's Filing to Revise its Access |) | Case No. TT-99-430 |
| Service Tariff, PSC Mo No. 2. |) | |
| In the Matter of Choctaw Telephone |) | |
| Company's Filing to Revise its Access |) | Case No. TT-99-431 |
| Service Tariff, PSC Mo No. 1. |) | |
| In the Matter of Chariton Valley Tel. |) | |
| Company's Filing to Revise its Access |) | Case No. TT-99-432 |
| Service Tariff, PSC Mo No. 2. |) | |
| In the Matter of Peace Valley Telephone |) | |
| Company's Filing to Revise its Access |) | Case No. TT-99-433 |
| Service Tariff, PSC Mo No. 2. |) | |

New Proposed Procedural Schedule

Come now Alma, MoKan, Mid-Missouri, Choctaw, Chariton Valley and Peace Valley Telephone (Companies), and in response to the Commission's August 3, 1999, Order Overruling Motion to Establish Procedural Schedule, directing a new proposed procedural schedule to be filed no later than August 6, 1999, and hereby submits two alternatives for the Commission to consider in adopting a new procedural schedule.

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Introduction

The tariff language at issue herein was filed in response to the Commission's Report and Order in TT-97-524, and the Cole County Circuit Court Judgment in CV 198-178 CC. Since the enactment of the Telecommunications Act of 1996, and since the Commission's decision, no CLEC and no wireless carrier has negotiated an interconnection agreement with any of the Companies for reciprocal compensation for local traffic. This has failed to occur despite the fact that CLECs and wireless carriers are delivering traffic destined for the Companies's exchanges to other carriers, which traffic is being terminated. Because the Companies cannot compel a CLEC or wireless carrier to request physical interconnection for compensation of such traffic, the tariff sheets at issue were filed solely to provide that tariffed access rates will apply to all traffic until superseded by an approved interconnection agreement.

The only articulated objection to these tariffs, as voiced by Staff and adopted by intervenors, is that wireless traffic originating and terminating within an MTA is considered local traffic under the Telecommunications Act. The Companies do not agree with this proposition. The only potential area of dispute between the parties is whether such traffic is still subject to access tariffs if there is no direct physical interconnection between the wireless/CLEC carrier and the Companies, and if there is no transport and termination between the wireless/CLEC carriers as defined by the Act and the FCC. It is the Companies' position that where there are three carriers involved, the originating CLEC/wireless carrier, an intermediate interexchange carrier, and then termination upon the Companies' facilities, that access tariffs/rates do apply to such traffic. This issue is one of legal interpretation, not factual dispute.

Consent to extension/suspension of proposed effective dates

In its July 15 Motion to establish a procedural schedule, the Company failed to include a consent to extension of the proposed effective date of the proposed tariffs to allow for the November 2-4 hearing proposed therein. In order to rectify this oversight, and allow the Commission to adopt the procedural as proposed in the July 15 Motion of the Companies, Alma, MoKan, Mid-Missouri, Choctaw, Chariton Valley, and Peace Valley hereby consent to the effective dates of each of their proposed tariff sheets at issue herein to be extended or suspended until December 15, 1999.

In support of this alternative, the Companies state that, by consensual extension of a suspension period beyond that allowed by § 392.230(5) RSMo, the Commission and the parties will have the opportunity to engage in prefiled testimony, hearing, and briefing.

Alternative Procedural Schedule that can be completed by August 23, 1999

Alternatively, if the Commission does not accept the above consent to extension/suspension, it is respectfully suggested there is insufficient time before August 23, 1999 in which to conduct prefiled testimony, hearing, transcript filing, and briefs or oral argument. The companies alternatively propose that, as there are no facts in dispute pertaining to the tariff language at issue herein, there be a single prefiled brief by all parties to be filed on or before August 20, 1999, and an oral argument scheduled for August 23, 1999.

WHEREFORE, the Companies respectfully request that the Commission adopt one of the alternative procedural schedules set forth above.

ANDERECK, EVANS, MILNE
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By: 

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ATTORNEYS FOR COMPANIES

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was mailed, U. S. Mail, postage pre-paid, this 5th day of August, 1999, to all attorneys or record.


Craig S. Johnson