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In the Matter of the Application of Logix )  
Communications Corporation, f/k/a Dobson )  
Wireless, Inc., for a Certificate of Service )  
Authority to Provide Basic Local Telecom- ) Case No. TA-98-342  
munications Services in Portions of the State )  
of Missouri and to Classify Said Services as )  
Competitive. )

Dobson Wireless, Inc. (Dobson) applied to the Commission on February 11, 1998, for a certificate of service authority to provide basic local exchange telecommunications services in Missouri under Sections 392.420 - .440, RSMo 1994<sup>1</sup>, and Sections 392.410 and .450, RSMo Supp. 1997. Dobson filed a motion and late-filed exhibit on August 19 advising the Commission that the company's name had been changed to Logix Communications Corporation (Logix). Specifically, Logix filed a Late Filed Supplemental Appendix A and a motion to accept the late filing. Late Filed Supplemental Appendix A consists of a Missouri Secretary of State's Certificate of Authority to the foreign corporation, Logix Communications Corporation. The motion states that the parent corporation of Dobson Wireless, Inc. had undergone an internal reorganization and changed Dobson's name to Logix Communications

<sup>1</sup> All statutory references are to Revised Statutes of Missouri 1994 unless otherwise indicated.

Corporation. The motion also stated that the company expects to file an interconnection agreement with Southwestern Bell Telephone Company (SWBT) under the new name, Logix Communications Corporation, in the near future and therefore wishes its certificate of service authority to be granted using the new name. The company asked the Commission to amend previous pleadings by interlineation. The Staff of the Commission (Staff) addressed the motion regarding the change of name in its August 26 Memorandum and stated that it has no objection to amending all previous filings by interlineation to reflect the new corporate name. Hereinafter, the applicant, formerly Dobson Wireless, Inc., will be referred to as Logix Communications Corporation (Logix).

In its application for a certificate of service authority, Logix asks the Commission to classify it as a competitive company and waive certain statutes and rules as authorized by Sections 392.361 and 392.420. Logix is an Oklahoma corporation with principal offices at 13439 North Broadway Extension, Suite 200, Oklahoma City, Oklahoma 73114.

The Commission issued a notice and schedule of applicants on February 18, directing interested parties wishing to intervene to do so by March 20. The Commission granted permission to intervene to SWBT on March 26.

The parties filed a Stipulation and Agreement (Agreement) which is included with this order as Attachment 1 on April 30. The Staff filed Suggestions in Support of the Agreement on May 22. In the Agreement the parties waived their rights to present testimony, cross-examine witnesses, present oral argument or briefs, and to seek rehearing or judicial review. The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has

requested the opportunity to present evidence. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989). Since no one has requested a hearing in this case, the Commission may grant the relief requested based on the verified application.

Logix wishes certification to provide basic local exchange telecommunications services in portions of Missouri that are currently served by SWBT, GTE Midwest Incorporated (GTE), and Sprint Missouri, Inc. (Sprint). Logix is not asking for certification in any area that is served by a small incumbent local exchange provider.

#### **A. Requirements of 4 CSR 240-2.060(4)**

Commission rule 4 CSR 240-2.060(4) requires a foreign corporation applying for certification to provide telecommunications services to include in its application a certificate from the Secretary of State showing it is authorized to do business in Missouri, a description of the types of service it intends to provide, a description of the exchanges where it will offer service, and a proposed tariff with a 45-day effective date. Logix has provided all the required documentation except for the proposed tariff. The company requested a temporary waiver of 4 CSR 240-2.060(4)(H) until it has entered into interconnection agreements with the underlying local exchange carriers and those agreements have been approved by the Commission. The company agreed to submit to the Commission for approval a proposed tariff with a minimum 45-day effective date once it is party to the appropriate interconnection agreements. Logix will file the tariff in this case and give notice of the tariff filing to all the parties. Along with that filing Logix has agreed to provide a written disclosure of all interconnection agreements

it has entered into which affect its Missouri service areas. Logix has submitted an application for approval of an interconnection agreement with SWBT in Case No. TO-99-101 now pending before the Commission.

## **B. Basic Local Service Certification**

Section 392.455, RSMo Supp. 1997, sets out the requirements for granting certificates to provide basic local telecommunications service to new entrants. A new entrant must: (1) possess sufficient technical, financial and managerial resources and abilities to provide basic local telecommunications service; (2) demonstrate that the services it proposes to offer satisfy the minimum standards established by the Commission; (3) set forth the geographic area in which it proposes to offer service and demonstrate that such area follows exchange boundaries of the incumbent local exchange telecommunications company and is no smaller than an exchange; and (4) offer basic local telecommunications service as a separate and distinct service. In addition, the Commission must give due consideration to equitable access for all Missourians to affordable telecommunications services, regardless of where they live or their income.

Logix submitted as Exhibit D to its application certain financial documentation including balance sheets and financial statements. Exhibit C to the application lists the names and qualifications of Logix's management team. In addition to academic credentials, the team members have experience in various areas of the telecommunications industry including the development of telecommunications infrastructures, finance and accounting, and management. The parties agreed that Logix possesses sufficient technical, financial and managerial resources and abilities to provide basic local telecommunications service.

Logix has agreed to provide services that will meet the minimum basic local service standards required by the Commission, including quality of service and billing standards. The parties agreed that Logix proposes to offer basic local services that satisfy the minimum standards established by the Commission.

Logix wishes to be certificated to offer services in all the exchanges presently served by SWBT, GTE, and Sprint as described in their basic local tariffs (see Appendix B to the application). The parties agreed that Logix has sufficiently identified the geographic area in which it proposes to offer basic local service and that the area follows incumbent local exchange company exchange boundaries and is no smaller than an exchange.

Logix has agreed to offer basic local telecommunications service as a separate and distinct service and to provide equitable access, as determined by the Commission, for all Missourians within the geographic area in which it will offer basic local services in compliance with Section 392.455(5), RSMo Supp. 1997.

### **C. Competitive Classification**

The Commission may classify a telecommunications provider as a competitive company if the Commission determines it is subject to sufficient competition to justify a lesser degree of regulation. § 392.361.2. In making that determination the Commission may consider such factors as market share, financial resources and name recognition, among others. In the Matter of the Investigation for the Purpose of Determining the Classification of the Services Provided by Interexchange Telecommunications Companies Within the State of Missouri, 30 Mo. P.S.C. (N.S.) 16 (1989); In the Matter of Southwestern Bell Telephone Company's

Application for Classification of Certain Services as Transitionally Competitive, 1 Mo. P.S.C. 3d 479, 484 (1992). In addition, all the services a competitive company provides must be classified as competitive. § 392.361.3. The Commission has found that whether a service is competitive is a subject for case-by-case examination and that different criteria may be given greater weight depending upon the service being considered. *Id.* at 487.

The parties have agreed that Logix should be classified as a competitive telecommunications company. The parties have also agreed that Logix's switched exchange access services may be classified as a competitive service, conditioned upon certain limitations on Logix's ability to charge for its access services. Logix has agreed that, unless otherwise ordered by the Commission, its originating and terminating access rates will be no greater than the lowest Commission-approved corresponding access rates in effect at the date of certification for the large incumbent LECs within those service areas in which Logix seeks to operate. The parties have agreed that the grant of service authority and competitive classification to Logix should be expressly conditioned on the continued applicability of Section 392.200, RSMo Supp. 1997, and on the requirement that any increases in switched access services rates above the maximum switched access service rates set forth in the agreement must be cost-justified pursuant to Sections 392.220, RSMo Supp. 1997, and 392.230, rather than Sections 392.500 and 392.510.

The parties agreed that waiver of the following statutes is appropriate: Sections 392.210.2, 392.270, 392.280, 392.290.1, 392.300.2, 392.310, 392.320, 392.330, RSMo Supp. 1997, and 392.340. The parties

also agreed that application of these Commission rules could be waived:  
4 CSR 240-10.020, 4 CSR 240-30.040, and 4 CSR 240-35.

### **Findings of Fact**

The Missouri Public Service Commission, having considered all of the competent and substantial evidence upon the whole record, makes the following findings of fact:

- A. The Commission finds that competition in the basic local exchange telecommunications market is in the public interest.
- B. The Commission finds that Logix has met the requirements of 4 CSR 240-2.060(4) for applicants for certificates of service authority to provide telecommunications services with the exception of the filing of a tariff with a 45-day effective date.
- C. The Commission finds that Logix has demonstrated good cause to support a temporary waiver of the tariff filing requirement and the waiver shall be granted.
- D. The Commission finds that Logix meets the statutory requirements for provision of basic local telecommunications services and has agreed to abide by those requirements in the future. The Commission determines that granting Logix a certificate of service authority to provide basic local exchange telecommunications services is in the public interest. Logix's certificate shall become effective when its tariff becomes effective.

E. The Commission finds that Logix is a competitive company and should be granted waiver of the statutes and rules set out in the ordered paragraph below.

F. The Commission finds that Logix's certification and competitive status should be expressly conditioned upon the continued applicability of Section 392.200, RSMo Supp. 1997, and on the requirement that any increases in switched access services rates above the maximum switched access service rates set forth in the agreement must be cost-justified pursuant to Sections 392.220, RSMo Supp. 1997, and 392.230, rather than Sections 392.500 and 392.510.

### **Conclusions of Law**

The Missouri Public Service Commission has reached the following conclusions of law.

The Commission has the authority to grant certificates of service authority to provide telecommunications service within the state of Missouri. Logix has requested certification under Sections 392.420 - .440, and Sections 392.410 and .450, RSMo Supp. 1997 which permit the Commission to grant a certificate of service authority where it is in the public interest. Sections 392.361 and .420 authorize the Commission to modify or suspend the application of its rules and certain statutory provisions for companies classified as competitive or transitionally competitive.

The federal Telecommunications Act of 1996 and Section 392.455, RSMo Supp. 1997, were designed to institute competition in the basic local exchange telecommunications market in order to benefit all telecommunications consumers. See Section 392.185, RSMo Supp. 1997.



The Commission has the legal authority to accept a Stipulation and Agreement as offered by the parties as a resolution of the issues raised in this case, pursuant to Section 536.060, RSMo Supp. 1997. Based upon the Commission's review of the applicable law and Stipulation and Agreement of the parties, and upon its findings of fact, the Commission concludes that the Stipulation and Agreement should be approved.

**IT IS THEREFORE ORDERED:**

1. That the Motion to Accept Late Filed Exhibit Reflecting Name Change of Applicant filed by Logix Communications Corporation f/k/a Dobson Wireless, Inc. on August 19, 1998 is granted.

2. That all pleadings filed in this case shall be amended by interlineation to reflect the change of corporate name from Dobson Wireless, Inc. to Logix Communications Corporation.

3. That the Stipulation and Agreement of the parties, filed on April 30, 1998, is approved.

4. That Logix Communications Corporation is granted a certificate of service authority to provide basic local exchange telecommunications services in the state of Missouri, subject to the conditions of certification set out above and to all applicable statutes and Commission rules except as specified in this order. The certificate of service authority shall become effective when the company's tariff becomes effective.

5. That Logix Communications Corporation is classified as a competitive telecommunications company. Application of the following statutes and regulatory rules shall be waived:

### Statutes

392.210.2 - uniform system of accounts  
392.270 - valuation of property (ratemaking)  
392.280 - depreciation accounts  
392.290.1 - issuance of securities  
392.300.2 - acquisition of stock  
392.310 - stock and debt issuance  
392.320 - stock dividend payment  
392.340 - reorganization(s)  
392.330, RSMo Supp. 1997 - issuance of securities,  
debts and notes

### Commission Rules

4 CSR 240-10.020 - depreciation fund income  
4 CSR 240-30.040 - uniform system of accounts  
4 CSR 240-35 - reporting of bypass and  
customer-specific arrangements

6. That the request for waiver of the filing of 4 CSR 240-2.060(4)(H) which requires the filing of a 45-day tariff is granted.

7. That Logix Communications Corporation shall file tariff sheets with a minimum 45-day effective date reflecting the rates, rules, regulations and the services it will offer within 30 days after the effective date of a Commission order approving an interconnection agreement which will allow Logix to provide services. The tariff shall be filed in Case No. TA-98-342 and shall include a listing of the statutes and Commission rules waived above.

8. That Logix Communications Corporation shall give notice of the filing of the tariffs described above to all parties or participants. In addition, Logix Communications Corporation, Inc. shall file a written disclosure of all interconnection agreements which affect its Missouri service areas, all portions of Missouri service areas for which it does not have an interconnection agreement, and an explanation of why no interconnection agreement is necessary for those areas.

9. That Logix Communications Corporation's certification and competitive status are expressly conditioned upon the continued applicability of Section 392.200, RSMo Supp. 1997, and on the requirement that any increases in switched access service rates above the maximum switched access service rates set forth in the agreement must be cost-justified pursuant to Sections 392.220, RSMo Supp. 1997, and 392.230, rather than Sections 392.500 and 392.510.

10. That this Order shall become effective on September 29, 1998.

**BY THE COMMISSION**

A handwritten signature in cursive script that reads "Dale Hardy Roberts".

**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

( S E A L )

Crumpton, Drainer, Murray  
and Schemenauer, CC., concur.  
Lumpe, Ch., absent.

Wickliffe, Deputy Chief Regulatory Law Judge

**BEFORE THE PUBLIC SERVICE COMMISSION  
STATE OF MISSOURI**

**FILED**  
**APR 30 1998**  
**MISSOURI**  
**PUBLIC SERVICE COMMISSION**

In the Matter of the Application of Dobson )  
Wireless, Inc. for a Certificate of Service )  
Authority to Provide Basic Local ) Case No. TA-98-342  
Telecommunications Services in Portions )  
of the State of Missouri and to Classify )  
Said Services as Competitive. )

**STIPULATION AND AGREEMENT**

1. Dobson Wireless, Inc. ("Dobson" or "Applicant") initiated this proceeding on February 11, 1998 by filing an Application requesting certificate of service authority to provide basic local telecommunications service, including exchange access service, in exchanges currently served by Southwestern Bell Telephone Company ("SWBT"), GTE Midwest Incorporated ("GTE") and Sprint Missouri, Inc. d/b/a Sprint. Initially Dobson intends to offer basic local service through resale arrangements but may, in the future, also operate as a facilities-based carrier if market conditions warrant.

2. The Commission has granted the timely application to intervene of SWBT on March 26, 1998. No other party has sought or has been granted intervention.

3. For purposes of this Stipulation and Agreement, the parties agree that applications for local exchange authority in exchanges served by "large" local exchange companies (LEC's)<sup>1</sup> should be processed in a manner similar to that in which applications for interexchange and local exchange authority are currently handled.

4. In determining whether Dobson's application for certificate of service authority

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<sup>1</sup> Large LEC's are defined as LEC's who serve 100,000 or more access lines. Section 386.020 RSMo. Supp. 1996. In Missouri, the current large LEC's are SWB, GTE and Sprint.

should be granted, the Commission should consider Dobson's technical, financial and managerial resources and abilities to provide basic local telecommunications service. Dobson must demonstrate that the basic local services it proposes to offer satisfy the minimum standards established by the Commission, including but not limited to the applicant agreeing to file and maintain basic local service tariff(s) with the Commission in the same manner and form as the Commission requires of incumbent local exchange telecommunications companies with which the applicant seeks to compete. Further, Dobson agrees to meet the minimum basic local service standards, including quality of service and billing standards, as the Commission requires of the incumbent local exchange telecommunications companies with which the applicant seeks to compete. Notwithstanding the provisions of Section 392.500 RSMo 1994, as a condition of certification and competitive classification, Dobson agrees that, unless otherwise ordered by the Commission, the applicant's originating and terminating access rates will be no greater than the lowest Commission approved corresponding access rates in effect at the date of certification for the large incumbent LEC(s) within those service area(s) applicant seeks authority to provide service. Further, Dobson agrees to offer basic local telecommunications service as a separate and distinct service and must sufficiently identify the geographic service area in which it proposes to offer basic local service. Such area must follow exchange boundaries of the incumbent local exchange telecommunications companies and must be no smaller than an exchange. Finally, Dobson agrees to provide equitable access to affordable telecommunications services, as determined by the Commission, for all Missourians within the geographic area in which it proposes to offer basic local service, regardless of residence or their income. See Section 392.455 RSMo Supp. 1997.

5. Dobson has submitted its application without tariffs and seeks a temporary waiver of 4 CSR 240-2.060(4)(H).<sup>2</sup> Dobson agrees to file its initial tariff(s) in the certification docket and serve all parties with written notice at the time the initial tariff(s) are submitted to afford them an opportunity to participate in the tariff approval process. Copies of the tariff(s) will be provided by Dobson to such parties immediately upon request. Any service authority shall be regarded as conditional and shall not be exercised until such time as tariff(s) for services have become effective. When filing its initial basic local tariff(s), Dobson shall also file and serve a written disclosure of all resale or interconnection agreements which affect its Missouri service areas, all portions of its Missouri service areas for which it does not have an interconnection agreement with the incumbent local exchange carrier; and its explanation of why such an interconnection agreement is unnecessary for such areas.

6. Dobson has requested, pursuant to Section 392.420 RSMo 1994 that the Commission waive the application of any or all of the following statutory provisions and rules to basic local telecommunications services, and all parties agree that the Commission should grant such request provided that Section 392.200 RSMo Supp. 1997 should continue to apply to all of Dobson's services:

STATUTORY PROVISIONS

Section 392.210.2  
Section 392.270  
Section 392.280  
Section 392.290.1  
Section 392.300.2  
Section 392.310

COMMISSION RULES

4 CSR 240-10.020  
4 CSR 240-30.040  
4 CSR 240-35

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<sup>2</sup>Good cause for failure to file proposed tariffs with the Application must be shown. The lack of an approved interconnection agreement (47 USC 252) constitutes good cause.

Section 392.320  
Section 392.330  
Section 392.340

7. In negotiating the remaining provisions of this Stipulation and Agreement, the parties have employed the foregoing standards and criteria, which are intended to meet the requirements of existing law and Sections 392.450 and 392.455 RSMo Supp. 1997 regarding applications for certificates of local exchange authority to provide basic local telecommunications services.

#### **B. DOBSON'S CERTIFICATION**

8. Dobson has submitted as Appendix B to its Application a listing of the specific exchanges in which it seeks authority to provide service. Dobson hereby agrees that its Application should be deemed further amended as required to include by reference the terms and provisions described in paragraphs 4-6 hereinabove and paragraph 11 below to the extent that its Amended Application might be inconsistent therewith.

9. Based upon its verified Application, as amended by this Stipulation and Agreement, Dobson asserts and no other party makes a contrary assertion, that there is sufficient evidence from which the Commission should find and conclude that Dobson:

A. possesses sufficient technical, financial and managerial resources and abilities to provide basic local telecommunications service and local exchange telecommunications service, including exchange access service;

B. proposes and agrees to offer basic local services that will satisfy the minimum standards established by the Commission;

C. has sufficiently identified the geographic area in which it proposes to offer basic

local service and such area follows exchange boundaries of the incumbent local exchange telecommunications companies in the same areas, and such area is no smaller than an exchange;

D. will offer basic local telecommunications services as a separate and distinct service;

E. has agreed to provide equitable access as determined by the Commission for all Missourians within the geographic area in which it proposes to offer basic local service, regardless of where they live or their income, to affordable telecommunications services; and

F. has sought authority which will serve the public interest.

10. Dobson asserts, and no party opposes, that Dobson's application and request for authority to provide basic local telecommunications service, including exchange access service, should be granted. All services authorized herein should be classified as competitive telecommunications services, provided that the requirements of Section 392.200 RSMo Supp. 1997 continue to apply, and Dobson shall remain classified as a competitive telecommunications company. Dobson asserts, and no party opposes, that such services will be subject to sufficient competition by the services of the incumbent LECs to justify a lesser degree of regulation of Dobson's services consistent with the protection of ratepayers and the promotion of the public interest. Such classification should become effective upon the tariffs for the services becoming effective. Such authority should be conditional, not to be exercised until such time as tariffs for those services have been filed (together with the written disclosure as stipulated above) and have become effective. The Commission's Order should state the foregoing conditions substantially as follows:



"The service authority and service classification herein granted are subject to the requirements of Section 392.200 and are conditional and shall not be exercised until such time as tariffs for services have become effective."

The parties also agree that the applicant's switched exchange access services may be classified as competitive services. The parties further agree that the applicant's switched exchange access services are subject to Section 392.200. Any increases in switched access service rates above the maximum switched access service rates as set forth in paragraph 4 herein shall be cost-justified and be made pursuant to 392.220 and 392.230 and not 392.500 and 392.510 RSMo Supp. 1997. The Commission's order should state the foregoing conditions substantially as follows:

"The service authority and service classification for switched access service granted herein is expressly conditioned on the continued applicability of Section 392.200 and the requirement that any increases in switched access service rates above the maximum switched access service rates set forth herein shall be cost-justified and be made pursuant to Sections 392.220 and 392.230 and not Sections 392.500 and 392.510 RSMo Supp. 1997.

11. Dobson's request for a temporary waiver of 4 CSR 240-2.060(4)(H), which requires applications to include a proposed tariff with a 45-day effective date, is not opposed by the parties and should be granted because, at the time of the filing of the application, Dobson did not yet have approved a resale or interconnection agreement with any incumbent LEC. Dobson agrees that at such time as all facts necessary for the development of tariffs become known, it will submit tariffs in this docket, with a minimum 45-day proposed effective

date, to the Commission for its approval, together with the written disclosure as stipulated above. Dobson shall serve notice to all parties and participants in this docket of the filing of its tariffs at the time they are filed with the Commission, and serve them with the aforesaid written disclosure and shall upon request immediately provide any party with a copy of those tariffs. The Commission's order should state these obligations to the temporary waiver of 4 CSR 240-2.060(4)(H), substantially as follows:

"Applicant's request for temporary waiver of 4 CSR 240-2.060(4)(H) is hereby granted for good cause in that applicant did not yet have an approved resale or interconnection agreement with the incumbent local exchange carriers within whose service areas it seeks authority to provide service; provided, when applicant submits its tariffs in this docket to the Commission such tariffs shall have a minimum of a 45-day effective date and the applicant shall serve written notice upon the parties hereto of such submittal, and shall provide copies of such tariffs to such parties immediately upon request. When filing its initial basic local tariff in this docket, the applicant shall also file and serve upon the parties hereto a written disclosure of: all resale or interconnection agreements which affect its Missouri service areas; all portions of its Missouri service areas for which it does not have a resale or interconnection agreement with the incumbent local exchange carrier; and its explanation of why such a resale or interconnection agreement is unnecessary for any such areas."

12. Dobson's request for waiver of the applications of the following rules and statutory provisions as they relate to the regulation of Dobson's new services should be granted:

## STATUTORY PROVISIONS

Section 392.210.2  
Section 392.270  
Section 392.280  
Section 392.290.1  
Section 392.300.2  
Section 392.310  
Section 392.320  
Section 392.330  
Section 392.340

## COMMISSION RULES

4 CSR 240-10.020  
4 CSR 240-30.040  
4 CSR 240-35

Dobson agrees to comply with all applicable rules, regulations and statutory obligations except for those which are specifically waived by the Commission.

13. This Stipulation and Agreement has resulted from extensive negotiations among the signatories and the terms hereof are interdependent. In the event the Commission does not adopt this Stipulation in total, then this Stipulation and Agreement shall be void and no signatory shall be bound by any of the agreements or provisions hereof. The Stipulations herein are specific to the resolution of this proceeding and are made without prejudice to the rights of the signatories to take other positions in other proceedings.

14. In the event the Commission accepts the specific terms of this Stipulation and Agreement, the parties and participants waive, with respect to the issues resolved herein: their respective rights pursuant to Sections 536.070(2) and 536.080.1, RSMo 1994, to present testimony, to cross-examine witnesses, and to present oral argument or written briefs; their respective rights to the reading of the transcript by the Commission pursuant to Section 536.080.2 RSMo 1994; and their respective rights to seek rehearing pursuant to Section 386.500 RSMo 1994 and to seek judicial review pursuant to Section 386.510, RSMo 1994. The parties agree to cooperate with the Applicant and with each other in presenting this

Stipulation and Agreement for approval to the Commission and shall take no action, direct or indirect, in opposition to the request for approval of Dobson's application made herein.

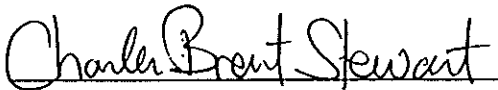
15. The Staff may submit a Staff Recommendation concerning matters not addressed in this Stipulation. In addition, if requested by the Commission, the Staff shall have the right to submit to the Commission a memorandum explaining its rationale for entering into this Stipulation and Agreement. Each party of record and participant herein shall be served with a copy of any memorandum and shall be entitled to submit to the Commission, within five (5) days of receipt of Staff's memorandum, a responsive memorandum which shall also be served on all parties and participants. All memoranda submitted by the parties shall be considered privileged in the same manner as settlement discussions under the Commission's rules, shall be maintained on a confidential basis by all parties and participants, and shall not become a part of the record of this proceeding or bind or prejudice the party submitting such memorandum in any future proceeding whether or not the Commission approves this Stipulation and Agreement. The contents of any memorandum provided by any party are its own and are not acquiesced in or otherwise adopted by the other signatories to the Stipulation and Agreement, whether or not the Commission approves and adopts this Stipulation and Agreement.

The Staff shall also have the right to provide, at any agenda meeting at which this Stipulation and Agreement is noticed to be considered by the Commission, whatever oral explanation the Commission requests, provided that the Staff shall, to the extent reasonably practicable, provide the other parties and participants with advance notice of when the Staff shall respond to the Commission's request for such explanation once such explanation is requested from the Staff. Staff's oral explanation shall be subject to public disclosure.

16. The Office of the Public Counsel, while not a signatory to this Stipulation and Agreement, has been contacted with regard to its filing and to the signatory parties' best information and belief has offered no objection.


WHEREFORE, the signatories respectfully request the Commission to issue its Order approving the terms of this Stipulation and Agreement and issue its Order granting authority and classification as requested by Dobson Wireless, Inc. subject to the conditions described above, as expeditiously as possible.

Respectfully submitted,



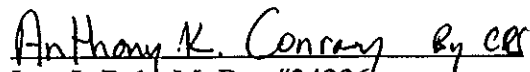
Charles Brent Stewart, MoBar #34885  
STEWART & KEEVIL, L.L.C.  
1001 Cherry Street  
Suite 302  
Columbia, Missouri 65201  
(573) 499-0635

FOR: Dobson Wireless, Inc.

 By CBS

Marc Poston, MoBar #45722  
Assistant General Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, Missouri  
(573) 751-

FOR: Staff of the Public Service  
Commission

 By CCR

Leo J. Bub, MoBar #34326  
Diana J. Harter, MoBar #31424  
Paul G. Lane, MoBar # 27011  
Anthony K. Conroy, MoBar #35199  
Southwestern Bell Telephone Company  
One Bell Center, Rm. 3520  
St. Louis, Missouri 63101  
(314) 235-2508

FOR: Southwestern Bell Telephone  
Company

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Stipulation and Agreement was served upon counsel for all parties of record in Case No. TA-98-342 by depositing a true copy thereof in the United States Mail, postage prepaid, or by hand delivery, this 30<sup>th</sup> day of April, 1998.

Charles Brent Stewart

RECEIVED  
SEP 17 1998  
COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION