

PROFESSIONAL

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May 20, 2002

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street, Suite 100
P.O. Box 360
Jefferson City, Missouri 65102

RE: Case No. **TT-99-428 et al.**

Dear Mr. Roberts:

Please find enclosed for filing with the Commission in the above referenced matter, the original and eight (8) copies of the Response of AT&T Wireless, Inc., Sprint Spectrum, L.P., Southwestern Bell Wireless LLC. and Southwestern Bell Telephone Company to the MITG's and STCG's Reply.

Copies of the foregoing Response have been hand-delivered or mailed this date to all parties of record. Thank you for your attention to this matter.

Sincerely,


Larry W. Dority

Enclosures

cc: All parties of record

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

In the Matter of the Mid-Missouri Group's)
Filing to Revise its Access Services Tariff,) Case No. TT-99-428 et al.
P.S.C. Mo. No. 2.)

**RESPONSE OF AT&T WIRELESS SERVICES, INC.,
SPRINT SPECTRUM L.P., SOUTHWESTERN BELL WIRELESS LLC.
AND SOUTHWESTERN BELL TELEPHONE COMPANY
TO THE MITG'S AND STCG'S REPLY**

COMENOW AT&T Wireless Services, Inc. ("AWS"), Sprint Spectrum L.P. ("Sprint PCs"), Southwestern Bell Wireless LLC d/b/a Cingular Wireless ("Cingular") (jointly, "Wireless Carriers") and Southwestern Bell Telephone Company ("SWBT"), and respectfully submit this Response to the Reply of the Missouri Independent Telephone Group ("MITG") and the Small Telephone Company Group ("STCG") previously filed in this matter on May 9, 2002.

1. The Staff of the Missouri Public Service Commission ("Staff") filed its Staff Response to the MITG's and STCG's Reply ("Staff Response") on May 16, 2002, and the Wireless Carriers and SWBT concur in and support the statements contained therein. While the Wireless Carriers and SWBT do not wish to unnecessarily burden the Commission's file in this matter, as the Staff notes in its filing, the MITG and STCG reply pleading necessarily "warrants a response."

2. The Staff accurately rebuts the baseless arguments contained in the MITG's and STCG's continued assault on the Commission's decision in the Amended Report and Order and the procedures followed to reach that decision. For instance, while the MITG and STCG reference their filing of proposed findings of fact in this proceeding, the following statement is contained at page 4 of their pleading: "Instead, the Commission solicited proposed findings from the wireless

carriers."¹ Of course" the Commission solicited proposed findings from all of the parties in this proceeding. As the MITG and STCG explained in the pleading containing their proposed findings of fact filed on March 29, 2002: "Despite the good faith efforts of the parties to prepare a set of stipulated facts" agreement was not possible. Therefore" the MITG and the STCG offer the following proposed findings of fact and citations to the record." And while the MITG and STCG complain that the Commission did not adopt their proposed findings" as Staff correctly asserts in its pleading" ". . . the Commission was able to select from among the proposed facts to support its decision. It is reasonable to conclude that any Commission decision is best supported by those facts that were proposed by the party or parties arguing in favor of that decision." (Staff Response" p. 3). As the Wireless Carriers and SWBT pointed out in an earlier pleading" "[T]heir [MITG and STCG] lengthy list of proposed facts were, in large part" not relevant to the only issue the Commission was called upon to decide in this case. "²

3. The MITG and STCG attempt to argue that the Wireless Carriers and SWBT have failed to fully advise the Commission of the Iowa Utility Boards' Decision in a case in which it rejected wireless termination tariffs. They imply that it is significant that the Wireless Carriers and SWBT did not provide the Commission a copy of the Iowa Utility Boards' November 26" 2001 Proposed Decision and Order in its Docket Number SPU-00-7, et al. *In Re Exchange of Transit Traffic*. They reference a passage in the Proposed Decision and Order that notes that intraMTA



¹As Staff observed in its pleading, the MITG and STCG continuously characterized the facts proposed by the Staff" the Wireless Carriers and SWBT as "the wireless carriers proposed findings of fact." The proposed findings of fact were submitted by all parties pursuant to a directive in the Commission's Order Directing Filing issued on February 5" 2002.

²Response in Opposition to the MITG's and STCG's Joint Application for Rehearing" April 29" 2002" p. 6.

traffic delivered by classic IXC's, such as AT&T and MCI Worldcom, is subject to access charges. The supposed importance of this passing notation is lost upon the Wireless Carriers and SWBT, apparently as it was on the Iowa Utilities Board.

In properly following Iowa Procedure, the entire Board considered an appeal of the Proposed Decision and Order that had been authored by the Chairman as presiding officer at the evidentiary hearings. In its **Order Affirming Proposed Decision and Order** (which was attached to the Wireless Carriers' and SWBT's earlier pleading, as Appendix B), the Board addressed those issues and facts deemed significant and important to its conclusion that access tariffs could not lawfully be imposed upon intraMTA wireless traffic. The Board apparently did not consider the fact that IXC's paid access on certain intra-MTA traffic relevant to the issue presented for decision. Thus, there was no need to mention that fact in the Order Affirming the Proposed Decision.




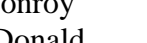
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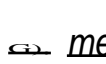

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was mailed or hand-delivered, this 20th day of May, 2002, to:

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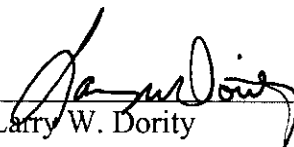
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