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July 3, 2002

VIA UPS OVERNIGHT DELIVERY

Mr. Dale Hardy Roberts
Secretary of the Commission
Missouri Public Service Commission
Data Center – 1st Floor
200 Madison Street
Jefferson City, Missouri 65102

RE: MOPSC Case No. TC-2002-57

Dear Judge Roberts:

Enclosed please find an original and nine (9) copies of the Response of Verizon Wireless to Petitioner's (sic) Motion to Compel. Please file this Response in your usual manner and return the extra enclosed copy with the date of filing stamped thereon directly to the undersigned in the enclosed, self-addressed stamped envelope.

If you have any questions with respect to this filing, please contact me. Thank you for your attention to and assistance with this matter.

Yours very truly,



Thomas E. Pulliam

TEP\ks
Enclosures

cc: Charon Harris, Esq.
Craig Johnson

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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Northeast Missouri Rural Telephone Company)	
and Modern Telecommunications Company, et al.)	
Petitioners,)	
)	
vs.)	Case No. TC-2002-57, et al.
)	
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.)	

RESPONSE TO PETITIONERS' MOTION TO COMPEL

COME NOW, Ameritech Mobile Communications, Inc., Ameritech Cellular, CMT Partners, and Verizon Wireless (collectively "Verizon Wireless") and, pursuant to 4 CSR 240-2.080(16), hereby request that the Missouri Public Service Commission ("Commission") deny the Motion to Compel filed by Petitioners Mid-Missouri Telephone Company, Alma Telephone Company, Northeast Missouri Rural Telephone Company, Modern Telecommunications Company, Mo-Kan Dial, Inc. and Chariton Valley Telephone Company (collectively "Petitioners") in connection with certain data requests and requests for admissions propounded by Petitioners upon Verizon Wireless. In support thereof, Verizon Wireless states as follows:

1. All of the data requests which Petitioners seek responses to deal with billing practices of Verizon Wireless for traffic delivered to Verizon Wireless by an interexchange carrier ("IXC"). No grounds exist for the Commission to grant Petitioners' Motion to Compel responses to these data requests because the billing practices of Verizon

Wireless are not an issue in this proceeding, nor are they before this Commission in any way, shape or form for any sort of determination.

2. Moreover, Petitioners' continuing misidentification of Southwestern Bell Telephone Company ("SWBT") regarding its role in delivering the traffic to Petitioners does not constitute any sort of rationalization or justification for the Commission to compel responses to the data requests. Throughout these proceedings, Petitioners have continually referred to SWBT as an interexchange carrier ("IXC"). Indeed, Petitioners' Motion to Compel erroneously states "When Southwestern Bell Telephone Company delivers traffic to the MITG network, it does so in it's (*sic*) IXC capacity." (Petitioner's (*sic*) Motion to Compel p.4, ¶7). Just because Petitioners classify SWBT as an IXC does not mean it is true. To the contrary, for the type of traffic in question in these proceedings, SWBT is a transiting carrier, nothing more, and nothing less.

3. It is only through Petitioners' erroneous mischaracterization of SWBT as an IXC that Petitioners' data requests would have even a scintilla of relevance. However, since SWBT is not an IXC, Verizon Wireless' billing practices concerning traffic delivered to it by an IXC is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Thus, Petitioners' data requests are fatally defective as they are based solely on an erroneous underpinning – that SWBT is an IXC. Petitioners' Motion to Compel responses to said data requests must be rejected.

4. Petitioners' alleged grounds for support of their Motion regarding their Requests for Admissions are similarly baseless. The sole support Petitioners provide for the Commission to grant their request to compel response to Request for Admissions #4 and #5 is the statement that "Based on prior proceedings and testimony related to this issue, SWBT and Respondents have taken the position that the MITG may only bill the originating carrier for

traffic terminated on their network.” (Petitioner’s *sic*) Motion to Compel, p.4, ¶8). This alleged support (what are these uncited “prior proceedings and testimony related to the issue”?) falls far short of any real basis upon which the Commission can rationally base a determination to compel. There is certainly no discussion of this issue in Verizon Wireless’ Rebutal or Surrebutal Testimony or SWBT’s Rebuttal Testimony.

WHEREFORE, for the reasons above stated, Verizon Wireless respectfully requests that the Commission deny Petitioners’ Motion to Compel.

Respectfully Submitted,

OTTSEN, MAUZÉ, LEGGAT & BELZ, L.C.

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Attorneys for Movants Ameritech Mobile
Communications, Inc., Ameritech Cellular,
CMT Partners and Verizon Wireless

CERTIFICATE OF SERVICE

The undersigned certifies that on the 5th day of July, 2002, a true and correct copy of the foregoing was faxed to:

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Thomas E. Pulliam
