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May 7, 2003

**FILED<sup>2</sup>**

**MAY 07 2003**

**HAND DELIVERY**

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Judge  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

**Missouri Public  
Service Commission**

**Re: In the Matter of Chariton Valley Telephone Company's  
Wireless Termination Tariff, Case No. IT-2003-0375, Tariff No.  
JI-2003-1661**

Dear Mr. Roberts:

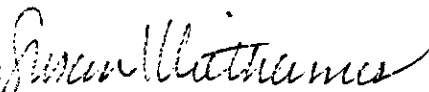
Enclosed for filing in the above case is an original and eight copies of AT&T Wireless Services, Inc.'s Application to Intervene.

If you have any questions concerning this filing, please contact Paul DeFord in our Kansas City office.

Thank you for your attention to this matter.

Sincerely,

LATHROP & GAGE L.C.

By:   
Susan C. Kliethermes  
Paralegal

enclosures

cc: Michael Dandino  
William K. Haas  
Craig S. Johnson

JCDOCS 14070v1

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FILED<sup>2</sup>

MAY 07 2003

Missouri Public  
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the Matter of Chariton Valley Telephone )  
Corporation's Wireless Termination Tariff ) Case No. IT-2003-0375  
 ) Tariff No. JI-2003-1661

**AT&T WIRELESS SERVICES, INC.'S APPLICATION TO INTERVENE**

COMES NOW AT&T WIRELESS SERVICES, INC. ("AWS") and respectfully submits its Application to Intervene in this proceeding pursuant to 4 CSR 240-2 .075. In support of its Application, AWS states as follows :

1. On March 5, 2003, Chariton Valley Telephone Corporation's Wireless Termination ("Chariton") filed a proposed Wireless Termination Service Tariff. On March 19, 2003, Chariton filed substitute pages. The tariff covers charges for the termination of wireless calls in Chariton's service area. The tariff is similar in many respects to tariffs approved by the Commission in TT-2001-139. AWS opposed the approval of those tariffs and is currently involved in the appeal of the approval.

2. On April 6, 2003, the Commission suspended Chariton's proposed tariff for 60 days after the effective date, or until June 5, 2003. To date, to AWS's knowledge, only Sprint Spectrum L.P. d/b/a Sprint PCS ("Sprint") has been granted intervention in this case.

3. In this application, AWS seeks to intervene in this case. AWS is a Commercial Mobile Radio Service ("CMRS") provider as that term is defined in the Federal Telecommunications Act and is subject to the jurisdiction of the Federal Communications Commission. ("FCC"). Further, AWS is a corporation organized under the laws of the state of Delaware. AWS is duly authorized to conduct business in

Missouri with its principal office for purposes of this proceeding located at 7277- 164<sup>th</sup> Avenue NE, Redmond, Washington 98052.

4. AWS's interest in this proceeding is different from that of the general public. AWS will be affected by the Commission's decision in this case because the subject tariffs apply to AWS's traffic within Missouri. Further, while AWS maintains its opposition to the approval of any tariff similar to those approved in TT-2001-139, the tariff in this case raises an additional unique issue - the ability of the incumbent carrier to unilaterally set an interMTA factor in violation of the standards set by the FCC. Specifically, the FCC has ruled that "the location of the initial cell site when the call begins shall be used as the determinate of the geographic location of the customer." (See *First Report and Order* at Para 1044). The methodology for identifying the MTA factor put forth by Chariton is not consistent with this ruling.

5. Granting AWS's Application to Intervene will also be in the public interest because AWS will bring to this proceeding its expertise in the areas being investigated and its experience as a CMRS provider.

6. Pursuant to 4 CSR 240-2.075(2), AWS states that it opposes the tariff revisions under review in this case.

7. All correspondence, pleadings, orders, decisions and communications regarding this proceeding should be sent to :

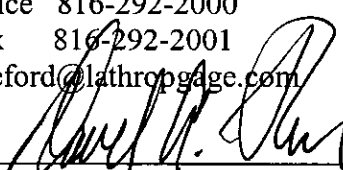
Paul S. DeFord  
Lathrop & Gage L.C.  
2345 Grand Boulevard, Suite 2800  
Kansas City, MO 64108  
Voice: 816-292-2000  
Fax: 816-292-2001  
pdeford@lathropgage.com

WHEREFORE, AWS respectfully requests that the Commission grant this Application to Intervene, together with any further and/or additional relief the Commission deems just and proper.

Respectfully submitted,

**AT&T WIRELESS SERVICES, INC.**

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\_\_\_\_\_  
David A. Shorr  
Lathrop & Gage L.C.  
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dshorr@lathropgage.com

**VERIFICATION**

I, David A. Shorr, an attorney for AWS, hereby verify and affirm that I have read the foregoing Application of AT&T Wireless Services, Inc. for intervention and that the statements contained therein are true and correct to the best of my information and belief.

  
\_\_\_\_\_  
David A. Shorr

Subscribed and sworn to before me this 7<sup>th</sup> day of May, 2003.

  
\_\_\_\_\_  
Notary Public

My Appointment Expires: \_\_\_\_\_

SUSAN C. KLIETHERMES  
Notary Public - Notary Seal  
STATE OF MISSOURI - Cole County  
My Commission Expires March 28, 2007

### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the above and foregoing was served on each of the following parties by first-class/electronic/facsimile mail, this 7th day of May, 2003.

Michael Dandino  
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P. O. Box 7800  
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Craig S. Johnson  
Andereck, Evans, Milne, Peace & Johnson, LLC  
The Col. Darwin Marmaduke House  
700 East Capitol, Box 1438  
Jefferson City, MO 65102

A handwritten signature in black ink, appearing to read "David A. Shorr", is written over a horizontal line.

David A. Shorr