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March 29, 2002

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

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

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of the **STIPULATION OF FACTS**.

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

Marc D. Poston
Senior Counsel
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MP/lb
Enclosure
cc: Counsel of Record

FILED³
MAR 29 2002

Missouri Public
Service Commission

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STATE OF MISSOURI

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STIPULATION OF FACTS

3. The MITG proposes to add the following language to their access service tariffs: “The provisions of this tariff apply to all traffic regardless of type or origin, transmitted to or from the facilities of the Telephone Company, by any other carrier, directly or indirectly, until and unless superseded by an agreement approved pursuant to the provisions of 47 U.S.C. 252, as may be amended.” (Tr. (Vol.2) at pp. 83-84.) If approved this tariff revision would mandate application of access charges to all traffic exchanged between the MITG and the wireless carriers in Missouri, unless superseded by an agreement. (Tr. (Vol.2) at p. 36).

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4. For CMRS traffic, the FCC has determined that calls that originate and terminate in a single major trading area (MTA) are local calls. 47 C.F.R. §51.701(b)(2).

5. All parties agree that access rates are applicable to *inter*-MTA traffic and toll traffic terminated to the MITG and other LECs. (Tr. (Vol.3) at pp. 256-257, 274-275, 351).

6. Wireless carriers acknowledge that they originate *intra*-MTA traffic, which terminates in MITG's service territories.

7. The Federal Telecommunications Act of 1996 and FCC decision prohibit imposition of access charges for the termination of local traffic. See 47 U.S.C. §251(b)(5).

Respectfully submitted,

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 29th day of March 2002.

Marc D. Poston

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