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May 13, 2004

EUGENE E. ANDERECK (1923-2004)
GREGORY C. STOCKARD (1904-1993)
PHIL HAUCK (1924-1991)

Secretary
Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

Re: Case No. TC-2002-57
Motion for SBC to Show Cause

Dear Secretary:

FILED²
MAY 13 2004
Missouri Public
Service Commission

Enclosed for filing please find the original and eight copies of the Motion for SBC to Show Cause in the above referenced case.

Thank you for seeing this filed. If you should have any questions or concerns, please do not hesitate to contact me.

Sincerely,


Craig S. Johnson

CSJ:lw

Encl.

CC: Public Service Commission
Office of Public Counsel
All Parties of Record

FILED²
MAY 13 2004
Missouri Public
Service Commission

Case No. TC-2002-57

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resolved all remaining factors not previously stipulated to. This was done in SBC's presence, and SBC acknowledged it had been informed of the factors the day before. The RLJ directed that the stipulations be reduced to writing. The stipulations in question were later reduced to writing, executed, and filed May 4, 2004.¹

3. Hearing dates are intended to dispose of disputed factual matters, either by litigation or stipulation. Hearings require the expenditure of significant resources. When stipulations are read into the record at hearing, in lieu of written stipulations filed before hearing, the Commission risks unnecessary expenditure of resources if it has to conduct a subsequent hearing to litigate the basis of the stipulation presented at the original hearing. The better practice would be to require any party objecting to a stipulation at hearing to be required to state its objection at that time, so the RLJ and the parties can proceed to hear evidence as to a disputed stipulation at the original hearing.

4. The April 20 hearing was a hearing on the merits as to the proportions of traffic. Presumably SBC was prepared for the hearing. SBC, if it had any evidence as to the interMTA and intraMTA traffic proportions, should have been prepared to adduce that evidence on April 20, 2004. If SBC had any factual basis upon which to object to the stipulated factors announced on the record, it should have announced then and there that it would oppose the factors, so the RLJ could have conducted the hearing with respect to any factors SBC objected to.

5. Petitioners do not believe SBC possesses any factual basis upon which to request a hearing. If SBC has no factual basis to establish factors different than those stipulated to, Petitioners do not believe SBC's request for hearing can be accepted as a good faith request. If

¹ The MITG recently filed a notice of final stipulation indicating that Western Wireless and T-Mobile have failed to confirm the stipulations read into the record by separately signed stipulations.

SBC has no evidence indicating these factors are wrong, why should the Commission and the parties be subjected to the delay and expense of an additional hearing?

6. In response to discovery requests from Petitioners, SBC on December 2, 2003 stated that it had no call detail, traffic studies, or traffic analyses for traffic originated by US Cellular and terminated to Chariton Valley or to Northeast. SBC stated it had no such information either for the traffic in dispute terminating between February of 1998 and February of 2002, or for US Cellular traffic terminating after February of 2002. See the attached SBC responses to DRs 24, 25, 64, and 65.

7. The evidence prepared for hearing established that SBC and US Cellular had configured their connected facilities to produce a single false Moberly originating number for the vast majority of the US Cellular traffic terminating to Northeast and Chariton Valley. This false number rendered traffic studies impossible. The factors stipulated to between US Cellular, Northeast, and Chariton Valley were a compromise between factors proposed by Scheperle's tower count method, Naumann's tower count method, and Petitioners' proposal to assume all traffic is interMTA until call detail is produced establishing otherwise.

8. SBC is on record supporting the notion that wireless carriers and small ILECs should reach their own agreements as to interMTA factors. Petitioners and US Cellular have done so. In the past SBC has not opposed interMTA factors higher than the 22.5% and 26% stipulated to here.

9. Petitioners understand SBC would like to be released from any potential liability. But that is not a good faith basis upon which to request a hearing with respect to these factor stipulations. SBC's liability, and SBC's right to indemnity, are issues that were addressed in the prior hearing. Those issues remain unresolved. It would be inappropriate for SBC to request

hearing on stipulated factors SBC has no basis to oppose in order to obtain leverage on other unresolved issues.

10. The Commission should enter an Order directing SBC to show cause as to why it has any factual basis to oppose the stipulations, or that SBC, US Cellular, Northeast and Chariton Valley appear at an on the record presentation to answer questions from the Commission as to the necessity of another hearing.

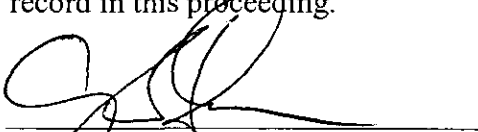
WHEREFORE, Petitioners Chariton Valley and Northeast Missouri Rural respectfully request that the Commission enter an Order directing SBC to show cause as to what factual basis it has to request a hearing as to the 22.5% interMTA factor between Northeast and US Cellular, and as to the 26% factor between Chariton Valley and US Cellular, before ruling on SBC's request for hearing.

**ANDERECK, EVANS, MILNE,
PEACE & JOHNSON**

By 
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**ATTORNEYS FOR MISSOURI
INDEPENDENT TELEPHONE GROUP**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was hand delivered or mailed, U. S. Mail, postage pre-paid, to all counsel of record in the above captioned matter this 13th day of May, 2004, to all attorneys of record in this proceeding.



Craig S. Johnson

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

Northeast Missouri Rural Telephone Company)
And Modern Telecommunications Company,)

Petitioners,)

v.)

Case No. TC-2002-57, et al
consolidated.

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 Corp., and Ameritech)
Mobile Communications, Inc.,)

Respondents.)

DATA REQUESTS

From: MITG Companies

To: Southwestern Bell Telephone Company

1. Call information obtained by Northeast Missouri Rural Telephone Company and Chariton Valley Telecommunications Corporation indicates that most if not all USCellular customer wireless-originated calls which are transited through SWBT's Moberly central office switch or Moberly access tandem to Northeast or Chariton Valley contain an originating caller number of 660-263-0073. Calls made by Northeast and Chariton Valley to 660-263-0073 indicated that 660-263-0073 is a non-working telephone number. With respect to the interconnection between USCellular and SWBT at the Moberly central office switch or Moberly access tandem, please state the following:

- a. Is the interconnection at SWBT's Moberly access tandem or at its Moberly end office switch?
- b. Is this a Type 1 interconnection?
- c. Is this a Type 2A interconnection?
- d. Is this a Type 2B interconnection?

Please note and remember that you are under a continuous duty to timely supplement your answer to the following data request. In the event you have no Traffic Study or Traffic Analysis at the time of receiving the following data requests, but subsequently perform such Traffic Study or Traffic Analysis, you must disclose same in a timely manner.

The following Definitions apply to all subsequent data requests:

You: Southwestern Bell Telephone Company

Subject Matter Traffic: Wireless to landline traffic originated by a Respondent CMRS provider, transported or transited by SWBT or Sprint Mo Inc. to a Petitioner MITG company for termination to a MITG company end user between February 5, 1998 and February, 2002.

Subsequent Traffic: Wireless to landline traffic originated by a Respondent CMRS provider, transported or transited by SWBT or Sprint Mo Inc. to a Petitioner MITG company for termination to a MITG company end user after February, 2002.

Call detail: Individual call detail for subject matter traffic or subsequent traffic, obtained from your end user billing data, intercarrier billing data, or roaming administration data, that contains calling party number, called party number, and the calling party's geographic location or initial cell tower processing the call at the time call was made.

Traffic Study: A study of call detail performed by you that demonstrates the proportion of subject matter traffic or subsequent traffic that is inter-MTA or intra-MTA in jurisdiction.

Traffic Analysis: Any evaluation of any information in your possession, other than call detail or traffic studies, which may suggest or indicate what proportion of subject matter traffic or subsequent traffic is inter-MTA or intra-MTA in jurisdiction.

Q. FOR SUBJECT MATTER TRAFFIC ORIGINATED BY U.S. CELLULAR
AND TERMINATED TO CHARITON VALLEY TELECOMMUNICATIONS
CORPORATION, PLEASE STATE THE FOLLOWING:

A. DO YOU POSSESS CALL DETAIL FOR SUCH TRAFFIC?

A. No.

Responsible Person: Benton E. Kelley
Product Manager-Wireless
Four SBC Plaza, Room 1230.07
Dallas, TX 75202

Missouri Case No. TC-2002-57
MITG Companies
Request No. 1
RFI No. 24b
Page 1 of 1

Q. FOR SUBJECT MATTER TRAFFIC ORIGINATED BY U.S. CELLULAR
AND TERMINATED TO CHARITON VALLEY TELECOMMUNICATIONS
CORPORATION, PLEASE STATE THE FOLLOWING:

B. DO YOU POSSESS TRAFFIC STUDIES FOR SUCH TRAFFIC?

A. No.

Responsible Person: Benton E. Kelley
Product Manager-Wireless
Four SBC Plaza, Room 1230.07
Dallas, TX 75202

Missouri Case No. TC-2002-57
MITG Companies
Request No. 1
RFI No. 24c
Page 1 of 1

Q. FOR SUBJECT MATTER TRAFFIC ORIGINATED BY U.S. CELLULAR
AND TERMINATED TO CHARITON VALLEY TELECOMMUNICATIONS
CORPORATION, PLEASE STATE THE FOLLOWING:

C. DO YOU POSSESS TRAFFIC ANALYSES FOR SUCH TRAFFIC?

A. No.

Responsible Person: Benton E. Kelley
Product Manager-Wireless
Four SBC Plaza, Room 1230.07
Dallas, TX 75202

Q. FOR SUBJECT MATTER TRAFFIC ORIGINATED BY U.S. CELLULAR
AND TERMINATED TO CHARITON VALLEY TELECOMMUNICATIONS
CORPORATION, PLEASE STATE THE FOLLOWING:

D. FOR EACH SUCH TRAFFIC ANALYSES, PLEASE DESCRIBE THE
INFORMATION ANALYZED AND THE BASIS THEREFORE.

A. See response to RFI No. 24c.

Responsible Person: Benton E. Kelley
Product Manager-Wireless
Four SBC Plaza, Room 1230.07
Dallas, TX 75202

Q. FOR SUBSEQUENT TRAFFIC ORIGINATED BY U.S. CELLULAR AND
TERMINATED TO CHARITON VALLEY TELECOMMUNICATIONS
CORPORATION, PLEASE STATE THE FOLLOWING:

A. DO YOU POSSESS CALL DETAIL FOR SUCH TRAFFIC?

A. No.

Responsible Person: Benton E. Kelley
Product Manager-Wireless
Four SBC Plaza, Room 1230.07
Dallas, TX 75202

Q. FOR SUBSEQUENT TRAFFIC ORIGINATED BY U.S. CELLULAR AND
TERMINATED TO CHARITON VALLEY TELECOMMUNICATIONS
CORPORATION, PLEASE STATE THE FOLLOWING:

B. DO YOU POSSESS TRAFFIC STUDIES FOR SUCH TRAFFIC?

A. No.

Responsible Person: Benton E. Kelley
Product Manager-Wireless
Four SBC Plaza, Room 1230.07
Dallas, TX 75202

Q. FOR SUBSEQUENT TRAFFIC ORIGINATED BY U.S. CELLULAR AND
TERMINATED TO CHARITON VALLEY TELECOMMUNICATIONS
CORPORATION, PLEASE STATE THE FOLLOWING:

C. DO YOU POSSESS TRAFFIC ANALYSES FOR SUCH TRAFFIC?

A. No.

Responsible Person: Benton E. Kelley
Product Manager-Wireless
Four SBC Plaza, Room 1230.07
Dallas, TX 75202

Missouri Case No. TC-2002-57
MITG Companies
Request No. 1
RFI No. 25d
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Q. FOR SUBSEQUENT TRAFFIC ORIGINATED BY U.S. CELLULAR AND
TERMINATED TO CHARITON VALLEY TELECOMMUNICATIONS
CORPORATION, PLEASE STATE THE FOLLOWING:

D. FOR EACH SUCH TRAFFIC ANALYSES, PLEASE DESCRIBE THE
INFORMATION ANALYZED AND THE BASIS THEREFORE.

A. See response to RFI No. 25c.

Responsible Person: Benton E. Kelley
Product Manager-Wireless
Four SBC Plaza, Room 1230.07
Dallas, TX 75202

Missouri Case No. TC-2002-57
MITG Companies
Request No. 1
RFI No. 64a
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Q. FOR SUBJECT MATTER TRAFFIC ORIGINATED BY U.S. CELLULAR
AND TERMINATED TO NORTHEAST MISSOURI RURAL TELEPHONE
COMPANY, PLEASE STATE THE FOLLOWING:

A. DO YOU POSSESS CALL DETAIL FOR SUCH TRAFFIC?

A. No.

Responsible Person: Benton E. Kelley
Product Manager-Wireless
Four SBC Plaza, Room 1230.07
Dallas, TX 75202

Missouri Case No. TC-2002-57
MITG Companies
Request No. 1
RFI No. 64b
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Q. FOR SUBJECT MATTER TRAFFIC ORIGINATED BY U.S. CELLULAR
AND TERMINATED TO NORTHEAST MISSOURI RURAL TELEPHONE
COMPANY, PLEASE STATE THE FOLLOWING:

B. DO YOU POSSESS TRAFFIC STUDIES FOR SUCH TRAFFIC?

A. No.

Responsible Person: Benton E. Kelley
Product Manager-Wireless
Four SBC Plaza, Room 1230.07
Dallas, TX 75202

Q. FOR SUBJECT MATTER TRAFFIC ORIGINATED BY U.S. CELLULAR
AND TERMINATED TO NORTHEAST MISSOURI RURAL TELEPHONE
COMPANY, PLEASE STATE THE FOLLOWING:

C. DO YOU POSSESS TRAFFIC ANALYSES FOR SUCH TRAFFIC?

A. No.

Responsible Person: Benton E. Kelley
Product Manager-Wireless
Four SBC Plaza, Room 1230.07
Dallas, TX 75202

Q. FOR SUBJECT MATTER TRAFFIC ORIGINATED BY U.S. CELLULAR
AND TERMINATED TO NORTHEAST MISSOURI RURAL TELEPHONE
COMPANY, PLEASE STATE THE FOLLOWING:

D. FOR EACH SUCH TRAFFIC ANALYSES, PLEASE DESCRIBE THE
INFORMATION ANALYZED AND THE BASIS THEREFORE.

A. See response to RFI No. 64c.

Responsible Person: Benton E. Kelley
Product Manager-Wireless
Four SBC Plaza, Room 1230.07
Dallas, TX 75202

Missouri Case No. TC-2002-57
MITG Companies
Request No. 1
RFI No. 65a
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Product Manager-Wireless
Four SBC Plaza, Room 1230.07
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MITG Companies
Request No. 1
RFI No. 65b
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COMPANY, PLEASE STATE THE FOLLOWING:

B. DO YOU POSSESS TRAFFIC STUDIES FOR SUCH TRAFFIC?

A. No.

Responsible Person: Benton E. Kelley
Product Manager-Wireless
Four SBC Plaza, Room 1230.07
Dallas, TX 75202

Missouri Case No. TC-2002-57
MITG Companies
Request No. 1
RFI No. 65c
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Four SBC Plaza, Room 1230.07
Dallas, TX 75202

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D. FOR EACH SUCH TRAFFIC ANALYSES, PLEASE DESCRIBE THE
INFORMATION ANALYZED AND THE BASIS THEREFORE.

A. See response to RFI No. 65c.

Responsible Person: Benton E. Kelley
Product Manager-Wireless
Four SBC Plaza, Room 1230.07
Dallas, TX 75202