

**ANDERECK, EVANS, MILNE, PEACE & JOHNSON, L.L.C.**

**ATTORNEYS AT LAW**

**700 EAST CAPITOL AVENUE**

**COL. DARWIN MARMADUKE HOUSE**

**P.O. BOX 1438**

**JEFFERSON CITY, MISSOURI 65102-1438**

**TELEPHONE 573-634-3422**

**FAX 573-634-7822**

**EUGENE E. ANDERECK**

**TERRY M. EVANS**

**ERWIN L. MILNE**

**JACK PEACE**

**CRAIG S. JOHNSON**

**RODRICA A. WIDGER**

**GEORGE M. JOHNSON**

**BEVERLY J. FIGG**

**WILLIAM S. LEWIS**

**VICTOR S. SCOTT**

**COREY K. HERRON**

**LANETTE R. GOOCH**

**SHAWN BATTAGLER**

**ROB TROWBRIDGE**

**JOSEPH M. PAGE**

**LISA C. CHASE**

**JUDITH E. KOEHLER**

**ANDREW J. SPORLEDER**

**KELLIE R. NILGES**

**NICOLE D. LINDSEY**

**OF COUNSEL**

**MARVIN J. SHARP**

**PATRICK A. BAUMHOER**

**GREGORY C. STOCKARD (1904-1993)**

**PHIL HAUCK (1924-1991)**

**October 7, 2003**

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

**FILED**

**OCT 07 2003**

**Re: Case No. TC-2002-57**

**Missouri Public  
Service Commission**

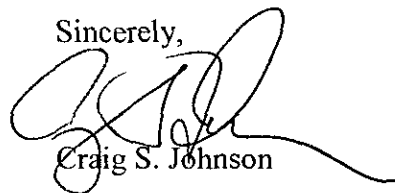
Dear Secretary:

Enclosed please find an original and eight (8) copies of the Dismissal with Prejudice of Petitioner Chariton Valley's claims against Verizon Wireless, Petitioner Mid-Missouri's claims against Verizon Wireless, and Petitioner MoKan Dial, Inc.'s claims against Verizon Wireless.

This does not dismiss the entire case, as several individual claims between Petitioners and various Respondents remain.

Thank you for seeing these filed.

Sincerely,



Craig S. Johnson

CSJ:srw

Enc.

cc: Judge Kevin Thompson  
Eric Anderson, PSC  
Michael Dandino, OPC  
Larry W. Dority  
Lisa Creighton Hendricks  
Paul G. Lane  
Richard S. Brownlee, III  
Monica Barone  
Joseph D. Murphy

Mark P. Johnson  
William Biere  
Denise Day  
Don Stowell

Trenton Office  
9<sup>th</sup> And Washington  
Trenton, Missouri 64683  
660-359-2244  
Fax 660-359-2116

Springfield Office  
1111 S. Glenstone  
P.O. Box 4929  
Springfield, Missouri 65808  
417-864-6401  
Fax 417-864-4967

Princeton Office  
207 North Washington  
Princeton, Missouri 64673  
660-748-2244  
Fax 660-748-4405

Smithville Office  
119 E. Main Street  
P.O. Box. 654  
Smithville, Missouri 64089  
816-532-3895  
Fax 816-532-3899

EXHIBIT A

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

**FILED**

OCT 07 2003

Northeast Missouri Rural Telephone Company )  
and Modern Telecommunications Company, )  
Petitioners, )

Missouri Public  
Service Commission

vs. )

Case No. TC-2002-57

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. )

**MOTION TO DISMISS WITH PREJUDICE**

COMES NOW Mo-Kan Dial, Inc. ("Mo-Kan Dial") ("Petitioner") and, pursuant to 4 CSR 240-2.116(4) hereby states as follows:

1. Petitioner has filed a complaint ("Complaint") that has been consolidated into this docket.

2. Petitioner has reached a settlement with Ameritech Mobile Communications, Inc. and Verizon Wireless ("Respondents") as to the disputes and controversies existing between them as reflected in this case. As a result, with all matters between them resolved, Petitioner need not further pursue its claims against Respondents, nor require Respondents to further defend such claims.

3. Petitioner hereby represents to the Commission that the Petitioner and Respondents have executed and delivered to each other an Agreement resolving all disputes

between them as to the claims, which such Agreement constitutes good cause under 4 CSR 240-2.116(4) to dismiss this Complaint.

4. In addition, since Petitioner has named Southwestern Bell Telephone Company as a party in connection with its claims against Respondents, and because of the alleged existence of an indemnity between SWBT and the Respondents, Petitioner is now in a position to release and dismiss SWBT as to and only with respect to the claims of Petitioner against Respondents.

WHEREFORE, Petitioner prays and requests that the Commission issue its Order dismissing with prejudice the Complaint of Petitioner versus Ameritech Mobile Communications, Inc. and Verizon Wireless. In addition, Petitioner prays and requests that the Commission issue its Order dismissing Southwestern Bell Telephone Company to the extent of, but only to the extent of, the aforementioned Complaint.

Respectfully submitted,

ANDERECK, EVANS, MILNE, PEACE  
& JOHNSON, L.L.C.

By: 

Craig S. Johnson  
700 East Capitol  
P.O. Box 1438  
Jefferson City, Missouri 65102  
Telephone: (573) 634-3422  
Facsimile: (573) 634-7822

#28179

Attorneys for Petitioner Mo-Kan Dial, Inc.

### CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing Motion to Dismiss With Prejudice was mailed, first class mail, postage pre-paid, the 7<sup>th</sup> day of October, 2003 to:

Larry W. Dority, Esq.  
Fischer & Dority, P.C.  
101 Madison, Suite 400  
Jefferson City, Missouri 65101

Lisa Creighton Hendricks, Esq.  
Sprint Spectrum, L.P.  
6450 Sprint Parkway, Bldg. 14  
Mail Stop: KSOPHN0212-2A253  
Overland Park, Kansas 66251

Michael F. Dandino, Esq.  
Office of the Public Counsel  
P.O. Box 7800  
Jefferson City, Missouri 65102

Paul G. Lane, Esq.  
Leo J. Bub, Esq.  
Southwestern Bell Telephone Company  
One Bell Center, Room 3520  
St. Louis, Missouri 63101

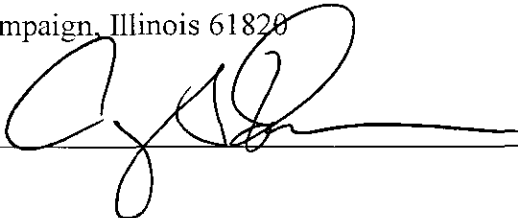
Eric W. Anderson, Esq.  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, Missouri 65102

Monica M. Barone, Esq.  
Sprint Spectrum, L.P.  
Mail Stop KSOPHI0414  
6160 Sprint Parkway, 4<sup>th</sup> Floor  
Overland Park, Kansas 66251

Joseph D. Murphy, Esq.  
Meyer Capel, P.C.  
306 West Church Street  
Champaign, Illinois 61820

Richard S. Brownlee, III, Esq.  
Hendren and Andrae, L.L.C.  
221 Bolivar Street, Suite 300  
P.O. Box 1069  
Jefferson City, Missouri 65102

Mark P. Johnson, Esq.  
Sonnenschein Nath & Rosenthal  
4520 Main Street, Suite 1100  
Kansas City, Missouri 64111



A handwritten signature in black ink, appearing to read 'J. D. Murphy', is written over a horizontal line.