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June 25, 2002

Secretary
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P. O. Box 360
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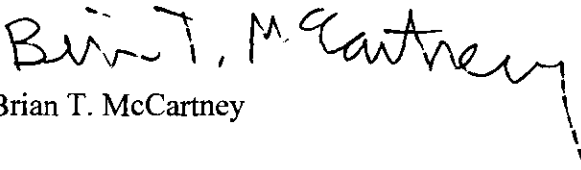
Re: Case No. TC-2002-1077

Dear Mr. Roberts:

Enclosed for filing in above-referenced matter, please find the original and eight copies of a Response of Complainants to Requests for Mediation by VoiceStream, Western Wireless and SWBT.

Please see that this filing is brought to the attention of the appropriate Commission personnel. If you have any questions regarding this matter, please direct them to me at the above number. Otherwise, I thank you in advance for your cooperation in this matter.

Sincerely,


Brian T. McCartney

BTM/da
Enclosures
cc: Parties of Record

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

BPS Telephone Company, et al.)	
)	
Petitioners,)	
)	
v.)	Case No. TC-2002-1077
)	
VoiceStream Wireless Corporation, et al.)	
)	
Respondents.)	

**Response of Complainants to Requests for Mediation
by VoiceStream, Western Wireless, and SWBT**

Comes now BPS Telephone Company, et al. (hereinafter collectively referred to as Complainants) and state as follows for their response to Respondents' requests for mediation:

1. On May 13, 2002, Complainants filed a Complaint against VoiceStream Wireless Corporation, Western Wireless Corporation, and Southwestern Bell Telephone Company (SWBT) regarding uncompensated wireless traffic terminated to Complainants. Specifically, Complainants seek compensation pursuant to their approved wireless termination service tariffs for wireless traffic terminated to them subsequent to the date on which Complainants' wireless tariffs became effective (in most cases, since February 19, 2001).

2. On May 24, 2002, the Commission issued its *Notice of Complaint* directing Respondents to file an answer within thirty days or, in the alternative, file a request for mediation. If, however, Respondents seek voluntary mediation, then the time for filing an Answer is tolled. On June 13, 2002, Respondent SWBT filed its

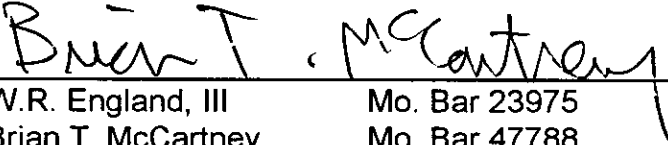
request for mediation. On June 24, 2002, (the last day to file an Answer or request mediation) Respondents VoiceStream and Western Wireless requested mediation.

3. Complainants hereby decline to enter into voluntary mediation with Respondents for the following reasons:

- A. Prior to filing the Complaint, counsel for Complainants, on several occasions, contacted representatives of VoiceStream and Western Wireless regarding their failure to pay tariffed charges in an attempt to resolve this matter amicably. Only after those efforts proved unsuccessful did Complainants file their instant Complaint.
- B. The issue presented by this Complaint is straightforward: i.e. should Respondents pay for the wireless traffic that they are terminating pursuant to Complainants' lawfully-approved wireless termination tariffs? This issue does not appear to leave any room for mediation. Either Respondents owe the money or they do not.
- C. Past experience demonstrates that efforts to mediate complaints insofar as they involve compensation between carriers has not been particularly successful. It appears to the undersigned that attempts to mediate such disputes have only resulted in delay.
- D. If Respondents are truly interested in resolving this Complaint before hearing, then settlement discussions can take place during the prehearing conference without delaying the progress of this case. Complainants are willing to explore the possibilities for settlement during the prehearing conference.

WHEREFORE, Complainants respectfully decline to accept VoiceStream and Western Wireless's request to mediate. Complainants request that the Commission issue an order directing the Respondents in this case to file their answers forthwith and for such others orders as are reasonable in the circumstances.

Respectfully submitted,



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Attorneys for Complainants

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was mailed or hand-delivered, this 25th day of June, 2002 to:

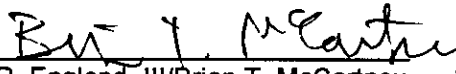
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