

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

ATTORNEYS AT LAW

EUGENE E. ANDERECK

TERRY M. EVANS

ERWIN L. MILNE

JACK PEACE

CRAIG S. JOHNSON

RODRIC A. WIDGER

GEORGE M. JOHNSON

BEVERLY J. FIGG

WILLIAM S. LEWIS

VICTOR S. SCOTT

COREY K. HERRON

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

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 18, 2002

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

FILED

NOV 25 2002

Re: Consolidated Case No. TC-2002-57

**Missouri Public
Service Commission**

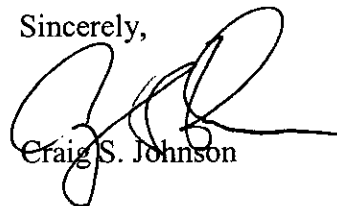
Dear Secretary:

Enclosed for filing please find an original and three (3) copies each of Motions to Dismiss with Prejudice certain claims made by both Modern Telecommunications Company and Northeast Missouri Rural Telephone Company against Ameritech Cellular, Ameritech Mobile Communications, Inc., CMT Partners and Verizon Wireless

On behalf of Modern and Northeast, as well as on behalf of the Verizon Wireless entities, I would request that the Commission enter an Order approving the dismissal of the Petition of Northeast's and Modern's claims against the Verizon Wireless entities, as set forth in these Motions, with prejudice.

Thank you for seeing this filed.

Sincerely,



Craig S. Johnson

CSJ:tr

Enc.

cc: Ray Ford/Gary Godfrey
PSC General Counsel
Office of Public Counsel
Paul S. DeFord
Leo J. Bub
Lisa Creighton Hendricks

Monica Barone
Larry W. Dority
Richard S. Brownlee, III
James F. Mauze/Thomas E. Pulliam
Joseph D. Murphy
Mark P. Johnson

Trenton Office
9th 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

FILED³

NOV 25 2002

Missouri Public
Service Commission

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

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 Modern Telecommunications Company ("Modern") ("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 Cellular, Ameritech Mobile Communications, Inc., CMT Partners, 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 pursue its claims against Respondents, nor require Respondents to 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 CMT Partners, Ameritech Cellular, 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 Modern
Telecommunications Company

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 25th day of November, 2002 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, 4th 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

