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October 29, 2003

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

FILED

OCT 29 2003

Re: Case No. TC-2002-1077

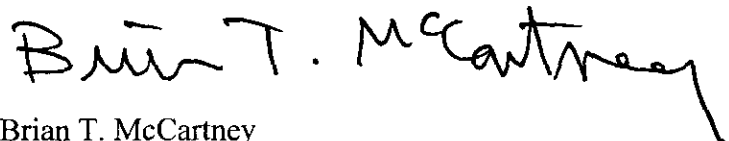
Missouri Public
Service Commission

Dear Mr. Roberts:

Enclosed for filing in above-referenced matter, please find the original and eight copies of Complainants' Statement of Position.

Please see that this filing is brought to the attention of the appropriate Commission personnel. Copies of the attached are being provided to parties of record. If there are any questions, please direct them to me at the above number. 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

FILED

OCT 29 2003

Missouri Public
Service Commission

BPS Telephone Company,)
Cass County Telephone Company,)
Citizens Telephone Company)
Craw-Kan Telephone Cooperative, Inc.,)
Fidelity Communication Services I, Inc.,)
Fidelity Telephone Company,)
Grand River Mutual Telephone Corporation,)
Green Hills Telephone Corporation,)
Holway Telephone Company,)
Iamo Telephone Company,)
Kingdom Telephone Company,)
K.L.M. Telephone Company,)
Lathrop Telephone Company, and)
Mark Twain Rural Telephone Company,)
Complainants,)

vs.

Case No. TC-2002-1077

VoiceStream Wireless Corporation,)
Western Wireless Corporation and)
Southwestern Bell Telephone Company.)
Respondents.)

COMPLAINANTS' STATEMENT OF POSITION

COME NOW BPS Telephone Company, Cass County Telephone Company, Citizens Telephone Company of Higginsville, Missouri, Craw-Kan Telephone Cooperative, Inc., Fidelity Communications Services I, Inc., Fidelity Telephone Company, Grand River Mutual Telephone Corporation, Green Hills Telephone Corporation, Holway Telephone Company, IAMO Telephone Company, Kingdom Telephone Company, K.L.M. Telephone Company, Lathrop Telephone Company, and Mark Twain Rural Telephone Company (Complainants), and for their Statement of Position, state to the Missouri Public Service Commission (Commission) as follows:

STATEMENT OF POSITION

I. Unopposed InterMTA Factors. The interMTA factors listed below were negotiated between eleven (11) Complainants and Respondent wireless carriers, and are not opposed by any party. Should the Commission adopt these factors for the purpose of determining interMTA traffic in this complaint case?

- (a) Cass County Telephone Company interMTA factor - 0%
- (b) Citizens Telephone Company interMTA factor - 0%
- (c) Fidelity Communications Services I, Inc. interMTA factor - 5%
- (d) Fidelity Telephone Company interMTA factor - 5%
- (e) Grand River Mutual Telephone Corporation interMTA factor - 6%
- (f) Green Hills Telephone Corporation interMTA factor - 0%
- (g) Holway Telephone Company interMTA factor - 0%
- (h) IAMO Telephone Company interMTA factor - 0%
- (i) Kingdom Telephone Company interMTA factor - 0%
- (j) K.L.M. Telephone Company interMTA factor - 0%
- (k) Lathrop Telephone Company interMTA factor - 0%

Yes.

II. Contested InterMTA Factors. The interMTA factors listed below were negotiated between three (3) Complainants and Respondent wireless carriers, and are opposed by SBC Missouri. Should the Commission adopt these factors for the purpose of determining interMTA traffic in this complaint case?

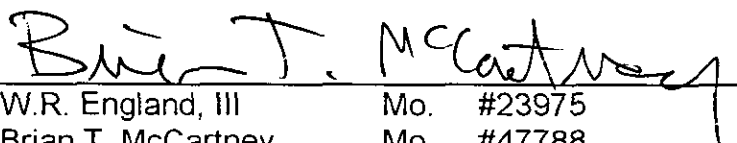
- (a) BPS Telephone Company interMTA factor - 52%
- (b) Craw-Kan Telephone Cooperative, Inc. interMTA factor - 53%
- (c) Mark Twain Rural Telephone Company interMTA factor - 53%

Yes. The interMTA factors that were negotiated between Complainants and the Respondent wireless carriers are based upon the way the Complainants' exchanges are located within Missouri's Local Access and Transport Areas (LATAs) and Metropolitan Trading Areas (MTAs), as well as the service areas of the Respondent wireless carriers and the way in which they interconnect with the landline network. In Mark Twain Rural Telephone Company's case, the agreed to factor was further supported by a traffic study performed by Mark Twain Rural.

III. **Burden of Proof.** Who has the burden of proof on the interMTA factors that will be used for the purpose of determining interMTA traffic in this complaint case?

In a complaint case, the complainants generally have the burden of proof. In this case, the Complainants have clearly demonstrated that Respondent wireless carriers are sending traffic to Complainants' exchanges (via Respondent SWBT) without appropriate compensation. Complainants are unable to distinguish between the uncompensated interMTA and intraMTA traffic because it is delivered by SWBT over common trunk groups. The carriers responsible for originating and delivering the traffic – Respondent SWBT and the Respondent wireless carriers – have not produced jurisdictional information about the traffic. Under these circumstances, Complainants have met their initial burden and should not be required to face an additional burden of proof. Nonetheless, Complainants have submitted sufficient evidence to support the interMTA factors that were negotiated with the Respondent wireless carriers.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was mailed or hand-delivered, this 29th day of October, 2002 to:

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