

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Application of Cass County Telephone Company)
for Approval of a Traffic Termination Agreement)
under the Telecommunications Act of 1996.) **Case No. TO-2006-0233**

ORDER DIRECTING NOTICE AND ADDING A PARTY

Issue Date: December 6, 2005

Effective Date: December 6, 2005

On November 30, 2005, Cass County Telephone Company filed an application with the Commission for approval of a Traffic Termination Agreement with United States Cellular Corporation under the provisions of the federal Telecommunications Act of 1996.¹ Cass County states that there are no unresolved issues and that the agreement complies with Section 252(e) of the Act in that it is not discriminatory to nonparty carriers and is consistent with the public interest. Cass County requests approval of the agreement.

Although U.S. Cellular is a party to the agreement, it did not join in the application. Because U.S. Cellular is a necessary party to a full and fair adjudication of this matter, the Commission will add it as a party to this case.

The Act provides that an interconnection agreement must be presented to the state commission for approval.² A traffic termination agreement is a species of interconnection agreement and is thus subject to this requirement. The Act further provides that an interconnection agreement must be approved unless the state commission finds that the

¹ Pub. L. No. 104-104, 110 Stat. 56, codified as various sections of Title 47, United States Code (“the Act”).

² 47 U.S.C. § 252(e)(1).

agreement discriminates against a telecommunications carrier not a party to the agreement, or that implementation of the agreement is not consistent with the public interest, convenience, and necessity.³ If the Commission has not approved an agreement within 90 days after submission, the agreement shall be deemed approved.⁴ Therefore, the Commission will proceed with this case expeditiously. The Commission finds that proper persons should be allowed 10 days from the issuance of this order to file an application for intervention. The Commission also finds that notice of this application should be sent to all interexchange and local exchange telecommunications companies.

IT IS THEREFORE ORDERED:

1. That United States Cellular Corporation is made a party to this case. The Commission's Data Center shall add its counsel to the service list maintained for this case.

2. That the Commission's Data Center shall send notice to all interexchange and local exchange telecommunications companies.

3. That any party wishing to apply to intervene shall do so by filing a pleading on or before December 16, 2005, with:

Colleen M. Dale, Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

and send copies to:

Brian T. McCartney, Esq.
Brydon, Swearingen & England P.C.
312 East Capitol Avenue
Post Office Box 456
Jefferson City, Missouri 65102-0456

³ 47 U.S.C. § 252(e)(2)(A).

⁴ 47 U.S.C. § 252(e)(4).

and:

Office of the Public Counsel
Post Office Box 2230
Jefferson City, Missouri 65102

4. That the Staff of the Commission shall file a memorandum advising either approval or rejection of this agreement and giving the reasons therefor no later than December 20, 2005.

5. That this order shall become effective on December 6, 2005.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Kevin A. Thompson, Deputy Chief Regulatory
Law Judge, by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 6th day of December, 2005.