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December 1, 2003

FILED<sup>2</sup>
DEC 0 1 2003

Missouri Public Service Commission
P. O. Box 360

Jefferson City, Missouri 65102

Service Commission

Re: Case No. TK-2004-0199

Dear Mr. Roberts:

Enclosed for filing on behalf of the Small Telephone Company Group, please find a Motion to Cancel Hearing and Withdraw Opposition in above-referenced matter.

Please bring this filing to the attention of the appropriate Commission personnel. A copy of this filing will be 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

Brien T. McCartney

BTM/da Enclosures

cc: Parties of Record

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI



In re: The Traffic Termination Agreement by and between Chariton Valley Telecom Corporation and	)	Service Commission
Southwestern Bell Telephone Company pursuant to the Telecommunications Act of 1996	) )	Case No. TK-2004-0199

# MOTION TO CANCEL HEARING AND WITHDRAW OPPOSITION

COMES NOW the Small Telephone Company Group (STCG)<sup>1</sup> and for its Motion to Cancel Hearing and Withdraw Opposition, states to the Missouri Public Service Commission (Commission) as follows:

### SUMMARY

The Joint Statement filed by Chariton Valley and SWBT in this case satisfactorily addresses the STCG's concerns with the Agreement. Therefore, this Motion respectfully requests that the Commission issue an order: (1) canceling the December 3, 2003 prehearing conference in this matter; and (2) granting the STCG leave to withdraw its previously stated opposition to the Agreement.

#### DISCUSSION

On October 27, 2003, Chariton Valley Telecom Corporation (Chariton Valley) filed a Request for Approval of its Traffic Termination Agreement (the Agreement) with Southwestern Bell Telephone L.P. d/b/a Southwestern Bell Telephone Company (SWBT).

<sup>&</sup>lt;sup>1</sup> See Attachment A.

- 2. On November 14, 2003, the STCG filed an Application to Intervene and Request for Hearing. The STCG was primarily concerned with the "transit" traffic and related provisions contained in the Agreement.
- On November 25, 2003, the Commission issued an *Order* granting the
   STCG's Application to Intervene and scheduling a prehearing conference for December
   2003.
- 4. On December 1, 2003, Chariton Valley and SWBT filed a Joint Statement which addresses the STCG's concerns. Specifically, the Joint Statement provides:
  - A. "SBC Missouri will not originate traffic and send it through Chariton Valley Telecom Corporation under the TTA for termination to any member of the Small Telephone Company Group ("STCG") . . . "; and
  - B. "Chariton Valley Telecom Corporation will not originate traffic and send it through SBC Missouri under the TTA for termination to any member of the STCG."

This language satisfactorily addresses the STCG's concerns about the Agreement.

Therefore, the STCG is willing to withdraw its opposition to the Agreement and its request for an evidentiary hearing.

5. The STCG requests to remain a party in this case for purposes of receiving further pleadings and orders in this case.

# CONCLUSION

WHEREFORE, the STCG respectfully requests that the Commission issue an order: (1) canceling the December 3, 2003 prehearing conference in this matter; and (2) granting the STCG leave to withdraw its previously stated opposition to the Agreement.

Respectfully submitted,

W.R. England, III

Mo. #23975

Mantre

Brian T. McCartney

Mo. #47788

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Attorneys for the STCG

#### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or hand-delivered on this 1st day of December, 2003, to the following parties:

General Counsel Missouri Public Service Commission P.O. Box 360 Jefferson City, Missouri 65102 Michael F. Dandino Office of the Public Counsel P.O. Box 7800 Jefferson City, Missouri 65102

Leo Bub Southwestern Bell Telephone, L.P. One SWBT Center, Room 3518 St. Louis, MO 63101

Craig Johnson Andereck, Evans, Milne, Peace & Johnson, L.L.C. P.O. Box 1438 Jefferson City, Missouri 65102-1438

Brian T. McCartney

#### **ATTACHMENT A**

**BPS Telephone Company** Cass County Telephone Company Citizens Telephone Company Craw-Kan Telephone Cooperative, Inc. Ellington Telephone Company Farber Telephone Company Goodman Telephone Company, Inc. Granby Telephone Company Grand River Mutual Telephone Corporation Green Hills Telephone Corp. Holway Telephone Company Iamo Telephone Company Kingdom Telephone Company KLM Telephone Company Lathrop Telephone Company Le-Ru Telephone Company McDonald County Telephone Company Mark Twain Rural Telephone Company Miller Telephone Company New Florence Telephone Company **New London Telephone Company** Orchard Farm Telephone Company Oregon Farmers Mutual Telephone Company Ozark Telephone Company Peace Valley Telephone Company Rock Port Telephone Company Seneca Telephone Company Steelville Telephone Exchange, Inc. Stoutland Telephone Company