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September 30, 2002

Mr. Dale Hardy Roberts
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

FILED³
SEP 30 2002

Re: Case No. TC-2002-1077

Missouri Public
Service Commission

Dear Mr. Roberts:

Enclosed for filing on behalf of BPS Telephone Company, et al., please find an original and eight (8) copies of a Response of Petitioners to Respondents' Motion to Cancel Hearing and For Commission to Decide Complaint on the Pleadings.

Would you please see that this filing is brought to the attention of the appropriate Commission personnel.

I thank you in advance for your cooperation in this matter.

Sincerely yours,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:


W.R. England, III

WRE/lar
Enclosure

cc: General Counsel
Office of Public Counsel
Leo Bub
Mark Johnson

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED³

SEP 30 2002

Missouri Public
Service Commission

BPS Telephone Company, et al.,)
)
Petitioners,)
)
v.)
)
VoiceStream Wireless Corporation, et al.,)
)
Respondents.)

Case No. TC-2002-1077

**RESPONSE OF PETITIONERS TO RESPONDENTS'
MOTION TO CANCEL HEARING AND FOR
COMMISSION TO DECIDE COMPLAINT ON THE PLEADINGS**

Come now Petitioners¹ and for their response to Respondents' Motion to Cancel Hearing and for Commission to Decide Complaint on the Pleadings state to the Missouri Public Service Commission (Commission) as follows:

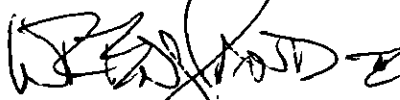
1. On or about September 23, 2002, Respondents, VoiceStream Wireless Corporation (VoiceStream) and Western Wireless Corporation (Western Wireless), filed their Motion with the Commission to Cancel Hearing and for Commission to Decide Complaint on the Proceedings (Motion). In their Motion, Respondents state that they believe the instant dispute turns on a question of law (Motion, ¶2) and that the controlling issue may be decided on the pleadings (Motion, ¶3). Accordingly, Respondents, VoiceStream and Western Wireless, request "that the Commission cancel the hearing now scheduled for October 17 and 18, 2002, set a briefing schedule for the parties to present their legal arguments, and issue an order deciding this dispute based on those briefs and the record generated to date." (Emphasis added) (Motion, ¶4)

¹BPS Telephone Company, Cass Telephone Company, Citizens Telephone Company of Higginsville, MO, 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, KLM Telephone Company, Lathrop Telephone Company, Mark Twain Rural Telephone Company

2. Petitioners state that the "record generated to date" includes, at a minimum, the verified Complaint, the Answers filed in response thereto and the prepared direct and rebuttal testimony filed to date with the Commission. In addition, Petitioners request that the Commission take notice, pursuant to 4 CSR 240-2.130(2), of each of Petitioner's Wireless Termination Service Tariffs on file with and approved by the Commission. As long as the "record generated to date" includes these documents (i.e. the Petition, the Answers, the prepared testimony filed to date and notice of Petitioners' Wireless Termination Service Tariffs) and all parties (including Southwestern Bell Telephone Company, Staff, and Public Counsel) agree that these documents, including the prefiled testimony, may be included in the record, Petitioners have no objection to Respondents' Motion. If, however, the Parties do not agree to the admission of these documents into the record, then Petitioners would oppose Respondents' Motion.

WHEREFORE, in light of the foregoing, Petitioners respectfully state to the Commission that they have no objection to Respondents' Motion as long as 1) the Petition, the Answers and all prefiled testimony to date are incorporated into the record (without the necessity of those witnesses sponsoring said testimony taking the witness stand); 2) the Commission takes notice of Petitioners' Wireless Termination Tariffs; and, 3) All Parties concur in such procedure.

Respectfully submitted,



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Certificate of Service

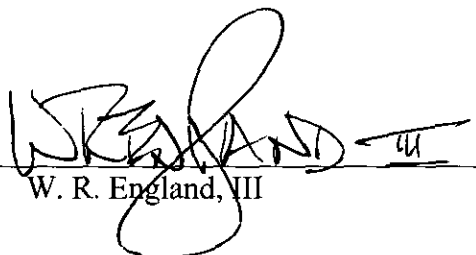
I hereby certify that a true and correct copy of the above and foregoing document was mailed or hand-delivered, this 30th day of September, 2002 to:

General Counsel
Missouri Public Service Commission
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Jefferson City, MO 65102

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