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June 23, 2005

**FILED<sup>2</sup>**

JUN 23 2005

Missouri Public  
Service Commission

Secretary/Chief Administrative Law Judge  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

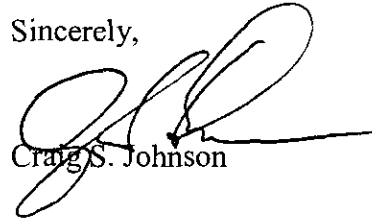
**Re: In the Matter of the Application of Chariton Valley Communication Corporation, Inc. for Approval of a Direct Interconnection Agreement and for a Related Indirect Transiting Services Agreement with Southwestern Bell Telephone, L.P d/b/a SBC Missouri. Case No. TK-2005-0449.**

Dear Secretary:

Enclosed for filing please find an original and eight (8) copies of the Response to SBC's Objection.

Thank you for seeing this filed.

Sincerely,



Craig S. Johnson

CSJ:sjo

Enclosure

CC: PSC General Counsel  
OPC General Counsel  
Jim Simon

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>2</sup>  
JUN 23 2005  
Missouri Public  
Service Commission

Application of Chariton Valley Communication )  
Corporation, Inc. for Approval of a Direct )  
Interconnection Agreement and For a )  
Related Indirect Transiting Services Agreement )  
with Southwestern Bell Telephone, L.P. d/b/a )  
SBC Missouri pursuant to Section 252(e) of the )  
Telecommunications Act of 1996. )

Case No. TK-2005-0449

**Chariton Valley Communication Response to SBC's Objection**

Comes now Applicant Chariton Valley Communications (Chariton Valley), and submits the following Response to SBC's June 14, 2005 Objection to Chariton Valley's Application for Approval of a Transit Traffic Services Agreement:

1. Chariton Valley has been through this scenario once before. The legal and policy issues again raised by SBC's Objection are not amenable to a generally-applicable resolution in a 90 day interconnection agreement approval docket.
2. Chariton Valley asks the Commission not to permit these legal and policy issues surrounding transit agreements deprive Chariton Valley of approval of the direct interconnection agreement filed for approval herein.
3. Chariton Valley attempted in TK-2005-0300 to file only the direct interconnection agreement for approval. The Commission's Order of May 19, 2005 in TK-2005-0300 rejected approval of the direct interconnection agreement unless Chariton Valley filed both the transit agreement for approval along with the direct interconnection agreement for approval.

4. Chariton Valley complied with this Order and requested approval of both the direct interconnection agreement and the transit agreement. Chariton Valley had to do this in order to get the direct interconnection agreement approved. No entity, either in TK-2005-0300, or in this docket, has suggested that there is any basis to deny approval of the direct interconnection agreement.

5. SBC objects to Chariton Valley doing exactly what the Commission directed Chariton Valley to do. It is apparent SBC is going to pursue the negotiation and entry into transiting agreements without submitting them for Commission approval.

6. SBC claims that Chariton Valley did not honor its agreement not to file the transit agreement. SBC overlooks the language of the agreement, as well as the import of the Commission's prior Order. Chariton Valley negotiated for language in the transit agreement giving Chariton Valley the right to file the agreement with the Commission upon request. The third sentence of Section 1.2 provides that the "Agreement shall not be filed with any State Commission or with the FCC, unless requested by such agency."

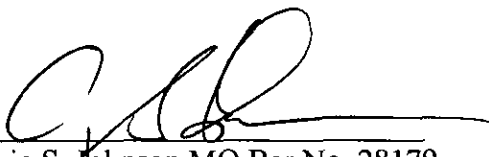
7. In TK-2005-0304 Chariton Valley was *ordered* to file the transit agreement if it wanted approval of the direct interconnection agreement. This Order more than fulfills the requirement of a Commission "request". SBC had previously provided a "courtesy copy" of the transit agreement in TK-2005-300. There is no harm to SBC resulting from Chariton Valley's filing of the transit agreement.

#### **Chariton Valley's Opposition to SBC's Transiting Plan**

7. Chariton Valley believes that the "transit" relationship SBC proposes should not be permitted. It is inappropriate for toll traffic. With respect to local

intercarrier traffic after the 1996 Act, the "transit" relationship should only be only permissible if all carriers involved in an indirect interconnection for the exchange of local traffic agree to it, it is consistent with the provisions of the Enhanced Record Exchange Rule, and the Commission approves it. Absent these things, the Commission cannot fulfill its role in assuring such agreements are non-discriminatory and are in the public interest.

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By   
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ATTORNEYS FOR CHARITON  
VALLEY

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that a true and accurate copy of the foregoing was hand delivered or mailed, via U.S. Mail, postage prepaid, this 23 day of June, 2005, to the following parties:

General Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

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Office of the Public Counsel  
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Bob Gryzmala  
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St. Louis, MO 63101

  
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Craig S. Johnson