

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

Alma Communications Company, d/b/a )  
Alma Telephone Company; Chariton Valley )  
Telephone Corporation; Chariton Valley )  
Telecom Corporation; Choctaw Telephone )  
Company; Mid-Missouri Telephone Company, )  
a Corporate Division of Otelco, Inc.; and )  
MoKan Dial, Inc., )

Complainants, )

v. )

**File No. TO-2012-0035**

Halo Wireless, Inc., and Southwestern Bell )  
Telephone Company, d/b/a AT&T Missouri, )

Respondent. )

**ORDER GRANTING UNOPPOSED MOTION TO REACTIVATE CASE,  
GRANTING MOTION FOR LEAVE TO FILE RESPONSE OUT OF TIME  
AND DIRECTING FILING**

Issue Date: January 17, 2012

Effective Date: January 17, 2012

On August 1, 2011, Alma Communications Company, d/b/a Alma Telephone Company; Chariton Valley Telephone Corporation; Chariton Valley Telecom Corporation; Choctaw Telephone Company; Mid-Missouri Telephone Company, a corporate Division of Otelco, Inc.; and MoKan Dial, Inc. (herein after "MoRLECs" or "Complainants") filed an "Application for Rejection of Portions of an Interconnection Agreement." MoRLECs claim that: (1) the interconnection agreement (ICA) between Halo Wireless Inc. ("Halo") and Southwestern Bell Telephone Company ("AT&T Missouri") contains a "Transiting Provision" whereby Halo is permitted to send traffic through its interconnection with AT&T Missouri for termination to the MoRLECs; (2) the

ICA obligates Halo to obtain agreements with the MoRLECs to address traffic Halo transits to them, and Halo has failed to comply with this obligation, and is transiting traffic through AT&T Missouri to MoRLECs without an agreement with them; (3) the Transiting Provision has discriminated against MoRLECs by placing them in an inferior position compared to AT&T Missouri; and (4) the Transiting Provision has also discriminated against other Commerical Mobile Radio Service ("CMRS") providers and interexchange carriers (IXCs) by placing Halo in a superior position vis-a-vis these other CMRS providers or IXCs. MoRLECs claims that the manner in which Halo has implemented the Transiting Provision of the ICA is not consistent with the public interest, convenience and necessity and requests the Commission to reject those provisions of the ICA that address, provide for, or contemplate that AT&T Missouri will transit, transport, and terminate Halo traffic to third party carriers such as MoRLECs.

On August 2, 2011, the Commission issued notice of this contested case and set a deadline for responses. On August 12, 2011, Halo filed suggestion of bankruptcy and on August 19, 2011, Halo filed a notice of removal to the federal court. On December 21, 2011, the federal district court remanded this case to the Commission.

On Janaury 4, 2012, MoRLECs filed a "Motion to Reactivate Case, and to Require Response to the Application." The Commission directed Respondents to reply to the motion. On January 13, 2012, Halo responded, but not to the motion to reactivate. Halo responded directly to the application and apparently does not oppose the motion to reactivate. AT&T Missouri did not file a timely response.

On January 14, 2012, Complainants responded to Halo and requested the Commission to direct Respondents to appropriately respond to the motion to reactivate

and to answer their application no later than January 31, 2012. On January 17, 2012, AT&T Missouri sought leave to file its response late. In its response, AT&T Missouri states that it does not oppose the motion to reactivate the case. The Commission will grant the unopposed motion to reactivate this matter. The Commission will also direct further responses.

**THE COMMISSION ORDERS THAT:**

1. Southwestern Bell Telephone Company d/b/a AT&T Missouri's motion for leave to file its response out of time is granted.

2. Complainants' unopposed motion to reactive the case is granted.

3. Halo Wireless, Inc. and Southwestern Bell Telephone Company d/b/a AT&T Missouri shall respond to the Application for Rejection of Portions of an Interconnection Agreement no later than January 31, 2012.

4. The Complainants and the Staff of the Missouri Public Service Commission shall reply to Halo Wireless, Inc.'s January 13, 2012 response no later than February 13, 2012.

5. The Complainants and the Staff of the Missouri Public Service Commission shall replay to any additional responses filed by Respondents' as directed in paragraph number 3 no later than February 13, 2012.

6. The Office of the Public Counsel shall affirmatively declare if it intends to actively participate in this matter no later than January 31, 2012. If the Public Counsel intends to particpate in this matter then it shall reply to all of the Respondents' responses to the Complainants' application no later than February 13, 2012.

7. This order is effective immediately upon issuance.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'S. Reed', is positioned above the printed name of the Secretary.

Steven C. Reed  
Secretary

( S E A L )

Harold Stearley, Deputy Chief Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 388.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 17<sup>th</sup> day of January, 2012.