

**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 TO HOLD CASE IN ABEYANCE PENDING COMPLETION OF
ENHANCED RECORD EXCHANGE RULE PROCEEDINGS**

Issue Date: February 22, 2012

Effective Date: February 22, 2012

On February 9, 2012, Alma Communications Company, et al. and BPS Telephone Company et al. ("Complainants") filed a motion to hold this matter in abeyance pending the completion of enhanced record exchange rule proceedings. The Commission's "Enhanced Record Exchange Rules" are codified in Chapter 29 of Title 4, Division 240 of the Code of State Regulations. Commission Rule 4 CSR 240-29.130(1) and (2)¹ provide:

- (1) In all instances of traffic blocking, originating carriers and traffic aggregators may utilize alternative methods of delivering the blocked traffic to terminating carriers. Such methods may include interconnection agreement negotiations with terminating carriers for

¹ Other sections of the Rule outline the proper procedure to follow for instituting such a procedure.

transiting traffic, direct interconnection with terminating carriers, or contracting with interexchange carriers for traffic delivery.

- (2) A terminating carrier may request the originating tandem carrier to block, and upon such request the originating tandem carrier shall block, the originating carrier's Local Exchange Carrier-to-Local Exchange (LEC-to-LEC) traffic, if the originating carrier has failed to fully compensate the terminating carrier for terminating compensable traffic, or if the originating carrier has failed to deliver originating caller identification to the transiting and/or terminating carriers.

Complainants state that by promulgating these rules, the Commission established a process by which to consider this carrier dispute as to the propriety of Respondent's traffic being transited by AT&T over the LEC-to-LEC network for termination by Complainants. In addition to holding this matter in abeyance, Complainants request the Commission to direct them to issue the blocking requests pursuant to the Rule.

On February 14, 2012, AT&T joined the Complainants in their motion to hold this matter in abeyance and requested the Commission reaffirm the availability of the blocking procedures in 4 CSR 240-29.120-130. Also on February 14, 2012, Public Counsel filed comments wherein it stated it not does oppose the request.

On February 21, 2012, Halo Wireless, Inc. ("Halo") responded to the motion. Halo claims that it is not a telecommunications company and it is not an "originating carrier" and as such the Commission's Enhanced Record Exchange Rules are not applicable. Halo seeks dismissal of this proceeding.

Commission Rules 4 CSR 240-29.120-130 were promulgated with the express purpose of establishing parameters and procedures enabling terminating carriers to block traffic of originating carriers or traffic aggregators who fail to comply with rules pertaining to LEC-to-LEC traffic. The Commission need not re-affirm its rules or direct parties to use the procedures established in those rules. Use of these rules was

sanctioned when the Commission promulgated them, and the Commission need not compel their use.

As for Halo's argument, it is procedurally premature. Pursuant to the Commission rules, a terminating carrier may initiate a blocking request. After the request is made and notice given, the originating carrier or traffic aggregator may oppose the blocking request by means of filing a formal complaint. Halo's argument can be made at the appropriate procedural juncture, after a blocking request is made.

The Commission will grant the motion to hold this matter in abeyance, and the Complainants may institute proceedings, at their discretion, pursuant to the Commission's enhanced record exchange rules.

THE COMMISSION ORDERS THAT:

1. Complainant's motion to hold this matter in abeyance pending the completion of enhanced record exchange rule proceedings is granted.

2. Complainants shall file a notice in this file, File No. TO-2012-0035, upon initiation, and a notice upon completion, of its enhanced record exchange rule proceeding against Respondents.

3. This order is effective immediately upon issuance.

(S E A L)

BY THE COMMISSION



Steven C. Reed
Secretary

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 22nd day of February, 2012.