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May 26, 2005

FILED

MAY 27 2005

OF COUNSEL

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GREGORY C. STOCKARD (1904-1993)

PHIL HAUCK (1924-1991)

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

Missouri Public
Service Commission

Re: In the Matter of the Application of Missouri RSA No. 5 Partnership d/b/a Chariton Valley Wireless for Approval of a Direct Interconnection Agreement and for a Related Indirect Transiting Traffic Services Agreement With Southwestern Bell Telephone Company, L.P. d/b/a SBC Missouri.

Dear Secretary:

Enclosed for filing please find an original and eight (8) copies of the Application for Approval of a Direct Interconnection Agreement and for a Related Indirect Transiting Traffic Services Agreement.

Thank you for seeing this filed.

Sincerely,

Craig Johnson
Craig S. Johnson by: *DP*

CSJ:sjo

Enclosure

CC: PSC General Counsel
OPC General Counsel
Jim Simon
Robert Gryzmala

FILED

MAY 27 2005

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

Missouri Public
Service Commission

Application of Missouri RSA No. 5 Partnership)
d/b/a Chariton Valley Wireless for Approval of a)
Direct Interconnection Agreement and for a Related)
Indirect Transiting Traffic Services Agreement)
With Southwestern Bell Telephone Company, L.P.)
d/b/a SBC Missouri Pursuant to the)
Telecommunications Act of 1996.)

Case No. _____

**APPLICATION OF MISSOURI RSA No. 5 PARTHERSHIP
d/b/a CHARITON VALLEY WIRELESS FOR APPROVAL
OF A DIRECT INTERCONNECTION AGREEMENT
AND FOR A RELATED INDIRECT TRANSITING TRAFFIC SERVICES
AGREEMENT WITH SOUTHWESTERN BELL TELEPHONE COMPANY, L.P.,
d/b/a SBC MISSOURI PURSUANT TO THE
TELECOMMUNICATIONS ACT OF 1996**

COMES NOW Missouri RSA No. 5 Partnership d/b/a Chariton Valley Wireless
("Chariton") and hereby files this Application for Approval of both a Direct
Interconnection Agreement and a related Transit Traffic Services Agreement, both
entered into between Chariton and Southwestern Bell Telephone Company, L.P., d/b/a
SBC Missouri (SBC) pursuant to Section 252 of the Telecommunications Act of 1996
("the Act"). In support of this application, Chariton states to the Commission as follows:

AGREEMENTS REACHED

1. Chariton is a Missouri partnership providing commercial mobile radio services in Missouri.
2. Chariton is not aware of any pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer services or rates.
3. Chariton's annual report and assessment fees are not overdue.

4. SBC is an ILEC providing local and interexchange telecommunications services in Missouri.

5. On or about February 15, 2005, after good faith negotiations, Chariton and SBC executed a direct interconnection Interconnection Agreement. This is a direct interconnection agreement providing for Chariton and SBC to directly interconnect and mutually exchange local or reciprocal compensation traffic.

6. The original of this Agreement was filed in the Commission's case file in TK-2005-304. A copy of same is attached hereto as Attachment 1.

7. This Agreement was recently rejected with directions for its refiling pursuant to an Order of May 19, 2005 in TK-2005-0304. That Order also directed that Chariton, if it refiled Attachment 1 for approval, was to also file a related transiting services agreement in a new case.

8. This Application for approval of both the direct interconnection agreement and the related indirect transit traffic services agreement is in compliance with that Order.

9. On or about February 14, 2005, after good faith negotiations, Chariton and SBC executed an indirect interconnection or transiting services agreement, attached hereto as Attachment 2. Chariton attaches a copy as SBC failed to provide an original executed agreement. This "WSP Service Agreement" is necessary now according to SBC in order for Chariton to obtain billing records and compensation from other non-party carriers which originate traffic SBC will transit to Chariton for termination. This Agreement will also be necessary in the future if Chariton determines it is in its business interest to deliver traffic originated by Chariton to SBC for transit and termination to other non-party carriers.

10. Pursuant to the Act, Chariton hereby submits both Agreements—
Attachment 1 and Attachment 2—for approval by the Commission.

11. Both Agreements comply fully with Section 252(e) of the Act because the Agreements are consistent with the public interest, convenience, and necessity and do not discriminate against any telecommunications carrier. The Agreement attached as Attachment 1 consists of 75 pages. The Agreement attached as Attachment 2 consists of 27 pages.

12. There are no outstanding issues between Chariton and SBC regarding Attachments 1 and 2 for which the parties are in need of the assistance of the Commission in conducting mediation or arbitration.

REQUEST FOR APPROVAL

13. Chariton requests the Commission's approval of both attached Agreements, consistent with the provisions of the Act and Missouri Law. These are bilateral agreements, reached as a result of negotiations and compromise between the parties. Chariton represents that the implementation of these negotiated and executed agreements comply fully with both Missouri Law and section 252(e) of the Act, because the agreements are consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier.

14. Chariton respectfully requests that the Commission grant expeditious approval of these agreements, without change, suspension or delay in their implementation.

15. Correspondence, orders, and decisions in this matter should be addressed to:

James Simon
Missouri RSA 5 Partnership
109 Butler St.
Macon, MO 63552

and to:

Craig S. Johnson
Andereck, Evans, Milne, Peace &
Johnson, L.L.C.
P.O. Box 1438
Jefferson City, MO 65102-1438
cjohnson@aempb.com

16. SBC can be notified of this Application by sending such notice to:

Robert Gryzmala
One SBC Center
Room 3510
St. Louis, MO 63101
Attorney for SBC

COMMISSION AUTHORITY

17. Under the Federal Telecommunications Act of 1996 ("the Act"), the Commission has the authority to grant the relief requested by Chariton. Specifically, section 252 (a) of the act provides:

(a) Agreements Arrived at Through Negotiations

(1) Voluntary Negotiations - upon receiving a request for interconnection, services, or network elements pursuant to section 251, an incumbent local exchange carrier may negotiate and enter into a binding agreement with requesting telecommunications carrier or carriers without regard to the standards set forth in subsections (b) and (c) of section 251. The agreement shall include a detailed schedule of itemized charges for interconnection in each service or network element included in the agreement. The agreement, including any interconnection agreement negotiated before the date of enactment of the Telecommunications Act of 1996, shall be submitted to the state commission under subsection (e) of this section.

STANDARD OF REVIEW

18. Under Section 252 of the Act, the Commission has the authority to approve these negotiated agreements. The Commission may only reject an agreement, if the agreement is discriminatory to a nonparty or is inconsistent with the public interest, convenience, and necessity. Section 252(e)(2) of the act provides as follows:

Grounds for Rejection -- The State Commission may only reject --

(A) an agreement (or any portion thereof) adopted by negotiation under section (a) if it finds that --

(i) the agreement (or portion thereof) discriminates against a telecommunications carrier, not a party to the agreement; or

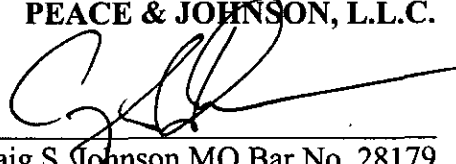
(ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity;

19. The affidavit of Mr. James Simon, Manager of Missouri RSA No. 5 Partnership, is attached hereto.

CONCLUSION

WHEREFORE, Chariton respectfully requests that the Commission issue an order or orders that: (1) approves both the direct interconnection agreement and the indirect interconnection transiting services agreement between Chariton and SBC, and (2) grant such other relief as is reasonable in circumstances.

**ANDERECK, EVANS, MILNE,
PEACE & JOHNSON, L.L.C.**

By 
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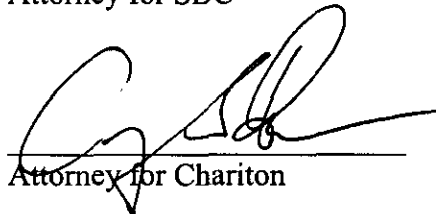
CERTIFICATE OF SERVICE

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 26 day of May, 2005, to the following parties to:

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

Michael F. Dandino
Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

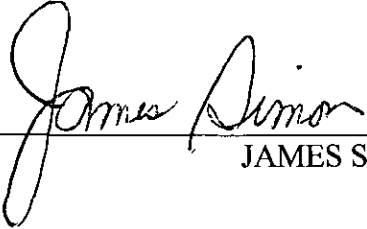
Robert Gryzmala
One SBC Center
Room 3510
St. Louis, MO 63101
Attorney for SBC



Attorney for Chariton

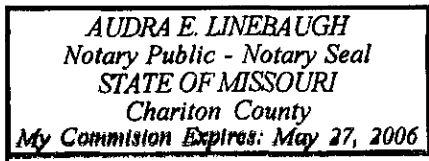
VERIFICATION


I, James Simon, Manager of Missouri RSA 5 Partnership, hereby verify and affirm that I have read the foregoing Application, and that the statements contained therein are true and correct to the best of my information and belief.


JAMES SIMON

STATE OF Missouri)
COUNTY OF Macon)

Subscribed and sworn to me, a Notary Public, on this 20th day of May, 2005.




Notary Public

My commission expires May 27, 2006

