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

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.

 $\overline{\mathbf{v}}$

ATTORNEYS AT LAW 700 EAST CAPITOL AVENUE COL. DARWIN MARMADUKE HOUSE P.O. BOX 1438 JEFFERSON CITY, MISSOURI 65102-1438 TELEPHONE 573-634-3422 FAX 573-634-7822

March 31, 2003

APR

FILED³

MATTHEW M. KROHN LANETTE R. GOOCH SHAWN BATTAGLER ROB TROWBRIDGE JOSEPH M. PAGE LISA C. CHASE JUDITH E. KOEHLER ANDREW J. SPORLEDER

OF COUNSEL MARVIN J. SHARP PATRICK A. BAUMHOER GREGORY C. STOCKARD (1904-1993) PHIL HAUCK (1924-1991)

Secretary of PSC Missouri Public Service Commission P. O. Box 360 Jefferson City, MO 65102

Missouri Public Service Commission

1 2003

Re: Request for Approval of Interconnection Agreement Between Choctaw Telephone Company and Sprint Spectrum, L.P.

Dear Secretary Roberts:

Enclosed please find an original and five (5) copies of the Request of Choctaw Telephone Company for approval of the Interconnection Agreement between it and Sprint Spectrum, L.P.

If any questions or concerns arise, please let me know.

Thank you for seeing this filed.

Sincerely, raig Johnson

CSJ:tr

Enc. cc:

Donald Stowell Harriett Eudy Azita Sporano Angela Linares Dana Joyce, General Counsel Michael Dandino, Office of Public Counsel

Trenton Office 9th And Washington Trenton, Missouri 64683 660-359-2244 Fax 660-359-2116 Springfield Office 1111 S. Glenstone P.O. Box 4929 Springfield, Missouri 65808 417-864-6401 Fax 417-864-4967 Princeton Office 207 North Washington Princeton, Missouri 64673 660-748-2244 Fax 660-748-4405 Smithville Office 119 E. Main Street P.O. Box. 654 Smithville, Missourí 64089 816-532-3895 Fax 816-532-3899

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

APR 1 2003

Missouri Public Service Commission

Request for Approval of Interconnection)Agreement Between Choctaw)Telephone Company and Sprint)Spectrum, L.P.)pursuant to Section 252(e) of the)Telecommunications Act of 1996.)

À

Case No.

REQUEST FOR APPROVAL OF INTERCONNECTION AGREEMENT BETWEEN CHOCTAW TELEPHONE COMPANY AND SPRINT SPECTRUM, L.P.

Comes now Choctaw Telephone Company (Choctaw), Applicant, and hereby files this Request for Approval of an Interconnection Agreement between Choctaw and Sprint Spectrum, L.P. (Sprint PCS) pursuant to Section 252(e) of the Telecommunications Act of 1996. In support of this Request, Applicant states the following:

1. Choctaw is a Missouri corporation operating as an incumbent local exchange telecommunications company in Missouri. Choctaw is in good standing with the Missouri Secretary of State, as demonstrated by the attached certificate of good standing.

2. Sprint Spectrum, L.P., d/b/a Sprint PCS is a commercial mobile radio service provider providing wireless communications services in the state of Missouri.

3. On March 24, 2003, after good faith negotiations, Choctaw and Sprint PCS executed a "Wireless Interconnection and Reciprocal Compensation Agreement".

1

This Agreement is attached hereto and incorporated by reference as Attachment A, with its pages sequentially numbered.

4. Pursuant to Section 252(e)(1) of the Act, Choctaw hereby submits this Agreement for approval by the Commission. Sprint PCS is a party to the agreement and should be made a party to this proceeding. Sprint PCS can be served with process and made a party hereto by sending the appropriate notice to:

Angela Linares Manager—Carrier & Interconnection Management 6580 Sprint Parkway Mailstop: KSOPHW0516 Overland Park, KS 66251

5. The Agreement complies with Section 252(e) of the Act because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier not a party thereto.

6. Approval and implementation of the Agreement complies with both

Missouri law and Section 252(e) of the Act, effectuates the bilateral agreement between

Choctaw and Sprint PCS, for which reason Choctaw requests that the Commission

approve such agreement without change, suspension, or delay.

7. Correspondence, orders, and decisions in this matter should be addressed

to:

Donald D. Stowell General Manager Choctaw Telephone Company P.O. Box 429 112 South Broadway Louisburg, KS 66053 and to:

Craig S. Johnson Andereck, Evans, Milne, Peace & Johnson, LLC 700 East Capitol P.O. Box 1438 Jefferson City, MO 65102 Telephone: 573-634-3422 Facsimile: 573-634-7822 E-mail: cjohnson@aempj.com

8. This Commission is authorized to review the Agreement and grant the

relief requested herein by Choctaw pursuant to Section 252(a) of the Act, which provides:

"(a) AGREEMENTS ARRIVED AT THROUGH NEGOTIATION

(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 the 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 and 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 (3) of this section."

9. Section 252 of the Act provides This Commission with authority to

approve the Agreement, and provides it may only be rejected if discriminatory to a non-

party to the agreement, or is inconsistent with the public interest, convenience, and

necessity.

10. Choctaw has no pending action or final unsatisfied judgments or decisions

against it from any state or federal agency or court which involve customer service or

rates that has occurred within three years of the date of this Request for Approval.

11. Choctaw has no annual report or assessment fees that is overdue.

WHEREFORE, on the basis of the foregoing, Choctaw respectfully requests the Commission to issue an Order that approves the Agreement, and that grants such other relief as is reasonably necessary.

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

By

Craig S. Johnson MO Bar No. 28179 The Col. Darwin Marmaduke House 700 East Capitol Post Office Box 1438 Jefferson City, Missouri 65102 Telephone: (573) 634-3422 Facsimile: (573) 634-7822 Email: CJohnson@AEMPB.com

ATTORNEYS FOR Choctaw Telepone Co.

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and accurate copy of the foregoing was mailed, via U.S. Mail, postage prepaid, this day of A_{q-1} , 2003, to Sprint PCS Manager of Carrier and Interconnection Management Angela Linares, to Staff General Counsel, and to the Office of the Public Counsel.

Craig S. Johnson MO Bar No. 28179

VERIFICATION

I, Donald D. Stowell, General Manager of Choctaw Telephone Company, hereby swear and affirm that I am authorized to act on behalf of Choctaw Telephone Company, that I have reviewed the statements contained in this request for approval, attest to the veracity of the statements contained therein, and verify that its filing for approval before the Missouri Public Service Commission by Andereck Evans Milne Peace and Johnson, LLC, is an authorized act of the Company.

o, A Towell

Donald D. Stowell

STATE OF KANSAS)) ss COUNTY OF MIAMI)

I, <u>Annette</u> MJ Prettyman, a Notary Public do hereby certify that on this all day of <u>March</u>, 2003, personally appeared before me Donald D. Stowell, who declared that the information contained herein above is true, to the best of his knowledge and belief.

<u>Annette MJ kettyma</u>. Notary Public

My Commission Expires:

Jan 31, 2004





Matt Blunt Secretary of State

CORPORATION DIVISION CERTIFICATE OF CORPORATE GOOD STANDING

I, MATT BLUNT, Secretary of State of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that CHOCTAW TELEPHONE COMPANY

was incorporated under the laws of this State on the 2nd day of OCTOBER, 1973, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 31st day of MARCH, 2003.

Secretary of State



SOS #30 (1-01)