

**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,)
)

vs.) **Case No. TO-2012-0035**
)

Halo Wireless, Inc., and Southwestern Bell Telephone Company, dba AT&T Missouri,)
)
)

Respondents.)

and

HALO WIRELESS, INC.,)
)

Complainant,)
)

v.) **Case No. TC-2012-0331**
)

CRAW-KAN TELEPHONE COOPERATIVE, INC., et al.,)
)
)

Respondents.)

Joint Motion to Consolidate Cases for Hearing

Come now Alma Communications Company d/b/a Alma Telephone Company, Choctaw Telephone Company, and MoKan Dial Inc., RLEC Complainants in Case No. TO-2012-0035, also RLEC Respondents in Case No. TC-2012-0331(hereinafter “Alma et al.”), also comes now Craw-Kan Telephone Cooperative, Inc., Ellington Telephone Company, Goodman Telephone Company, Iamo Telephone Company, Le-Ru Telephone Company, McDonald County Telephone Company, Miller Telephone Company, Ozark Telephone Company, Peace Valley Telephone Company, Inc., Rock Port Telephone Company, and Seneca Telephone Company, RLEC Intervenor-Complainants in Case No. TO-2012-0035, also RLEC Respondents in Case No. TC-2012-0331 (hereinafter “Craw-Kan et al.”), and hereby jointly move that the Alma et. al. and Craw-Kan et. al. “Application for Rejection of Portions of Interconnection Agreement” between Halo Wireless Inc. (Halo) and Southwestern Bell Telephone Company d/b/a AT&T Missouri (AT&T Missouri) pending in Case No. TO-2012-0035 be consolidated for hearing with Halo’s Complaint in Case No. TC-2012-0331, in which Alma et. al. and Craw-Kan et. al. are Respondents.

In support of this Motion to Consolidate, Alma et. al. and Craw-Kan et. al., (collectively the “Jointly Moving RLECs), state to the Missouri Public Service Commission (Commission) as follows:

1. In its April 25, 2012 Order in Cases No. TC-2011-0404 and IC-2011-0385, the Commission dismissed two of four related proceedings involving disputes between Halo and the Jointly Moving RLECs. That dismissal leaves two proceedings pending between Halo and the Jointly Moving RLECs: Commission Cases No. TO-2012-0035 and TC-2012-0331.

2. In its April 25, 2012 Order dismissing Cases No. TC-2011-0404 and IC-2011-0385, the Commission recognized and accepted Halo’s argument that keeping inactive files open when other proceedings involve the same determinations and relief does not serve administrative economy.

3. Currently, Case No. TO-2012-0035 is being held in abeyance. There is a Procedural Conference in Case No. TC-2012-0331, set for May 3, 2012. The Jointly Moving RLECs move that their Application for Rejection of Portions of an Interconnection Agreement in Case No. TO-2012-0035 be consolidated with any hearing to be scheduled in Case No. TC-2012-0331 (Halo Complaint case) in order to serve that same administrative efficiency.

4. Commission Rule 4 CSR 240-2.110(3) states “when pending actions involve related questions of law or fact, the commission may order a joint hearing of any or all the matters at issue, and may make other orders concerning cases before it to avoid unnecessary costs or delay.” Thus, Commission Rules contemplate that the Commission shall consolidate pending actions when those actions present “related questions of law or fact” and “to avoid unnecessary costs or delay.”

5. The relief requested in the ICA complaint case is rejection of the “transiting” provision contained in the Interconnection Agreement between Halo and AT&T Missouri. It is the Jointly Moving RLECs’ contention in that case that the way in which Halo has implemented this transiting provision has resulted in discrimination against telecommunications carriers not a party to the ICA and is not consistent with the public interest. The facts supporting these contentions are similar, if not identical, to some of the facts supporting the Jointly Moving RLECs’ request to block Halo’s traffic (e.g., whether Halo is transiting non-local wireless traffic, whether it is failing to properly compensate the Jointly Moving RLECs, and whether it is appropriately forwarding the necessary originating caller identification). There are also related questions of law (e.g., the nature of Halo’s traffic, the status of Halo as a wireless carrier, interexchange carrier, originating

carrier, transiting carrier, etc.). Ultimately, the relief requested (i.e., blocking of Halo's traffic) is the same in both cases.

6. Accordingly, since Commission Cases No. TO-2012-0035 and TC-2012-0331 have common parties and share similar questions of law or fact, it will serve the interest of administrative efficiency as well as conserve Commission and Parties' resources to consolidate the two cases for hearing.

WHEREFORE, on the basis of the foregoing, Jointly Moving RLECs request that any hearing to be scheduled in Case No. TC-2012-0331 be consolidated with a hearing on Jointly Moving RLECs' Application for Rejection of Portions of the Interconnection Agreement between Halo and AT&T Missouri, in Case No. TO-2012-0035, and for such other orders as are appropriate and reasonable in the circumstances.

Respectfully submitted,

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Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was electronically mailed, this 1st day of May, 2012 to all counsel of record.

/s/ Craig S. Johnson
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