BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Application of Fidelity Telephone Company	)	
for Approval of an Interconnection and	)	Case No. _____
Reciprocal Compensation Agreement	)	
under the Telecommunications Act of 1996	)	

APPLICATION OF FIDELITY TELEPHONE COMPANY
FOR APPROVAL OF AN INTERCONNECTION
AND RECIPROCAL COMPENSATION AGREEMENT
UNDER THE TELECOMMUNICATIONS ACT OF 1996

COMES NOW Fidelity Telephone Company ("Company") and hereby files this Application for Approval of an Interconnection and Reciprocal Compensation Agreement between Company and Cellco Partnership, St. Joseph CellTellco and Verizon Wireless (VAW) all d/b/a Verizon Wireless, with offices located at One Verizon Way, Basking Ridge, NJ 07920 ("Verizon Wireless") under the Telecommunications Act of 1996 ("the Act"). In support of this Application, Company states to the Missouri Public Service Commission ("Commission") as follows:

I. AGREEMENT REACHED

Company is a local exchange carrier operating in Missouri. Company is a Missouri corporation in good standing with the Missouri Secretary of State. In Case No. TC-2002-1077, the Company filed a Certificate of Good Standing from the Missouri Secretary of State which the Company requests be incorporated by reference in this case. The Company 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 service or rates. The Company's annual report and assessment fees are not overdue. This information is still current and correct, as evidenced by the notarized affidavit of Dave Beier, Vice President-Regulatory (Attachment I).

Verizon Wireless is a commercial mobile radio service carrier operating in Missouri.

On March 2, 2007, after good faith negotiations, the Company and Verizon Wireless executed an Interconnection and Reciprocal Compensation Agreement ("the Agreement") for the State of Missouri pursuant to the terms of the Federal Act (*see* Agreement, Attachment II). Pursuant to the Act, the Company hereby submits this Agreement for approval by the Commission. The Agreement complies fully with Section 252(e) of the Federal Act because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. The Agreement consists of twenty-nine (29) pages that include one (1) Appendix. There are no outstanding issues between the Company and Verizon Wireless that need the assistance of mediation or arbitration.

II. REQUEST FOR APPROVAL

The Company seeks the Commission's approval of the Agreement, consistent with the provisions of the Federal Act and Missouri law. The Company represents that the implementation of this negotiated and executed Agreement complies fully with both Missouri law and Section 252(e) of the Federal Act because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. The Company respectfully requests that the Commission grant expeditious approval of this Agreement, without change, suspension or delay in its implementation. This is a bilateral agreement, reached as a result of negotiations and compromise between the parties. Correspondence, orders and decisions in this matter should be addressed to:

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III. COMMISSION AUTHORITY

Under the Federal Telecommunications Act of 1996 ("the Act"), the Commission has the authority to grant the relief requested by the Company. Specifically, Section 252(a) of the Act 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 (e) of this section.

IV. STANDARD OF REVIEW

Under Section 252 of the Act, the Commission has the authority to approve an agreement negotiated between an incumbent local exchange company (ILEC) and other telecommunications carriers. 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 subsection (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;

The affidavit of Dave Beier, Vice President-Regulatory of Fidelity Telephone Company, establishes that the Agreement satisfies these standards. (Affidavit, Attachment I)

IV. EXEMPTIONS

Section 251(f)(1) of the Act exempts certain rural telephone companies from the additional interconnection requirements contained in Section 251(c). Thus, although all ILECs, as telecommunications carriers, have the duty to interconnect, not all ILECs have to meet the additional interconnection requirements imposed by Section 251(c) of the Act.[1] As a rural carrier, the

[1] Section 21.1 of the Agreement states: "This Agreement is not an interconnection agreement under 47 U.S.C. 251(c), but rather a reciprocal compensation agreement under 47 U.S.C. 251(b)(5). The Parties acknowledge that ILEC may be entitled to a rural exemption as provided by 47 U.S.C. 251(f), and ILEC does not waive such exemption by entering into this Agreement."

Company is not required to meet the additional interconnection requirements of Section 251(c). The Parties sought to highlight in Section 21.1 of the Agreement that, while they are submitting an Interconnection and Reciprocal Compensation Agreement pursuant to Section 251(b)(5) to this Commission for approval, it is not an interconnection agreement under Section 251(c), and the Company has not waived its Section 251(f)(1) rural exemption.

V. CONCLUSION

WHEREFORE, the Company respectfully requests the Commission to issue an Order that: (1) approves expeditiously the Agreement between the Company and Verizon Wireless, and (2) grants such other relief as is reasonable in the circumstances.

Respectfully submitted,

By /s/ W.R. England, III
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was delivered by first class mail, electronic mail or hand delivery, on the 6th day of March, 2007, to the following:

General Counsel
Missouri Public Service Commission
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