BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Arbitrated Interconnection Agreement between Chariton Valley Telephone Corporation and T-Mobile USA, Inc.	)))	Case No. TK-2006-0168

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission and for its recommendation respectfully states:

1. On October 12, 2005, Chariton Valley Telephone Corporation filed an unsigned copy of its interconnection agreement (Agreement) with T-Mobile USA, Inc. The Agreement is titled "Traffic Termination Agreement." The Agreement was the subject of arbitration in Case No. IO-2005-0468.

2. On October 21, 2005, Chariton Valley Telephone Corporation submitted a signed copy of the Agreement.

3. Under the provisions of the Telecommunications Act of 1996, the Commission may only reject "an agreement (or any portion thereof) adopted by arbitration under subsection (b) if it finds that the agreement does not meet the requirements of section 251, including the regulations prescribed by the Commission, or the standards set forth in subsection (d) of this section." 47 U.S.C. 252(e)(2). The agreement was adopted by arbitration under 47 U.S.C 252(b) and thus this standard applies to the Commission's review.

4. In the attached Memorandum, labeled Appendix A, the Staff recommends that the Missouri Public Service Commission approve the Agreement.

5. Staff has reviewed the proposed Agreement and believes it conforms to the Arbitrator's Report and the Commission's Arbitration Order in Case No. IO-2005-0468. The Staff further believes that the proposed Agreement conforms to the standards set forth in 47

U.S.C. 252(e)(2). Staff, however, can find no reference in Section 252 to "Traffic Termination Agreement." Consequently, Staff recommends the Commission issue an Order approving a wireless "interconnection agreement" and not an Order approving "Traffic Termination Agreement." The Commission has addressed this topic in a series of proceedings, consolidated for argument with the lead case of *Application of Kingdom Telephone Company for Approval of a Traffic Termination Agreement under the Telecommunications Act of 1996*, Case No. IO-2003-0201, and found the classification of "traffic termination agreement" to be nonexistent. *See e.g.,* Order Denying Motion for Correction, *In the Matter of the Application of Craw-Kan Telephone Cooperative for Approval of a Traffic Termination Agreement Under the Telecommunications Act of 1996*, Case No. IK-2003-0245 (Sept. 25, 2003).

WHEREFORE, because the terms of this agreement conform to the Arbitrator's Report and the Commission's Arbitration Order in Case No. IO-2005-0468, and further conform to 47 U.S.C. 252(e)(2), the Staff recommends the Commission grant approval of the Agreement, as a wireless "interconnection agreement", and direct the parties to submit any future modifications or amendments to the Commission for approval.

Respectfully submitted,

DANA K. JOYCE
General Counsel

/s/ **William K. Haas**
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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronic mailed to all counsel of record this 24th day of October 2005.

/s/ **William K. Haas**