

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Application of Sprint )  
Missouri, Inc., for Competitive )  
Classification Under Section 392.245.5, )  
RSMo 2005. )

Case No. IO-2006-0092  
Tariff File No. YI-2006-0174

**STAFF RECOMMENDATION**

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

1. On August 30, 2005, Sprint Missouri, Inc., filed its Application for Competitive Classification pursuant to Section 392.245.5, RSMo. In its application, as amended on September 9, 2006, Sprint requests that the Commission classify all of Sprint's residential services, other than exchange access service, for the Ferrelview, Platte City, and Weston exchanges as competitive. In addition, Sprint requests competitive classification of all of its business services, other than exchange access service, in the Ferrelview, Platte City, St. Robert and Waynesville exchanges. On September 9, Sprint also made a substitute tariff filing to comport with the amended Application.

2. Section 392.245.5 RSMo, as amended by Senate Bill 237, reads in part:

5. Each telecommunications service offered to business customers, other than exchange access service, of an incumbent local exchange telecommunications company regulated under this section shall be classified as competitive in any exchange in which at least two non-affiliated entities in addition to the incumbent local exchange company are

providing basic local telecommunications service to business customers within the exchange. Each telecommunications service offered to residential customers, other than exchange access service, of an incumbent local exchange telecommunications company regulated under this section shall be classified as competitive in an exchange in which at least two non-affiliated entities in addition to the incumbent local exchange company are providing basic local telecommunications service to residential customers within the exchange. For purposes of this subsection:

(1) Commercial mobile service providers as identified in 47 U.S.C. Section 332(d)(1) and 47 C.F.R. Parts 22 or 24 shall be considered as entities providing basic local telecommunications service, provided that only one such non-affiliated provider shall be considered as providing basic local telecommunications service within an exchange;

(2) Any entity providing local voice service in whole or in part over telecommunications facilities or other facilities in which it or one of its affiliates have an ownership interest shall be considered as a basic local telecommunications service provider regardless of whether such entity is subject to regulation by the commission. A provider of local voice service that requires the use of a third party, unaffiliated broadband network or dial-up Internet network for the origination of local voice service shall not be considered a basic local telecommunications service provider. For purposes of this subsection only, a broadband network is defined as a connection that delivers services at speeds exceeding two hundred kilobits per second in at least one direction;

(3) Regardless of the technology utilized, local voice service shall mean two-way voice service capable of receiving calls from a provider of basic local telecommunications services as defined by subdivision (4) of section 386.020, RSMo;

(4) Telecommunications companies only offering prepaid telecommunications service or only reselling telecommunications service as defined in subdivision (46) of section 386.020, RSMo, in the exchange being considered for competitive classification shall not be considered entities providing basic telecommunications service; and

(5) Prepaid telecommunications service shall mean a local service for which payment is made in advance that excludes access to operator assistance and long distance service;

(6) Upon request of an incumbent local exchange telecommunications company seeking competitive classification of business service or residential service, or both, the commission shall, within thirty days of the request, determine whether the requisite number of entities are providing basic local telecommunications service to business or residential customers, or both, in an exchange and if so, shall approve tariffs designating all such business or residential services other than exchange access service, as competitive within such exchange.

3. In the attached Memorandum, labeled Appendix A, the Staff states that all of these exchanges have at least one non-affiliated wireless and one non-affiliated entity providing local voice service to the designated customer class(es), i.e., business and/or residential.

WHEREFORE, the Staff recommends that the Commission grant Sprint's Amended Application for Competitive Classification and approve its substituted tariff filing. The Staff

further recommends that the Commission's order state the condition for granting competitive status.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

**/s/ William K. Haas**

William K. Haas  
Deputy General Counsel  
Missouri Bar No. 28701

Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-7510 (Telephone)  
(573) 751-9285 (Fax)  
[william.haas@psc.mo.gov](mailto:william.haas@psc.mo.gov)

### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 9<sup>th</sup> day of September 2005.

**/s/ William K. Haas**

William K. Haas