

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

In the Matter of the Application of)
Time Warner Cable Information)
Services (Missouri), LLC for a Certificate)
of Service Authority to Provide Local) Case No. LA-2004-0133
and Interexchange Voice Service in)
Portions of the State of Missouri and to)
Classify said Services and the Company)
as Competitive)

**APPLICATION TO INTERVENE OUT OF TIME
OF SPRINT MISSOURI, INC
AND SPRINT COMMUNICATIONS COMPANY, LP**

COMES NOW Sprint Missouri, Inc. and Sprint Communications Company L.P. ("Sprint"), and respectfully files its Application to Intervene Out of Time in the above-captioned Case. In support of this Application, Sprint states as follows:

1. On September 12, 2003, Time Warner Cable Information Services (Missouri), LLC ("Time Warner") filed its Application for Certificate of Service Authority to provide local and interexchange voice services in portions of Missouri and for competitive classification. In its Application, Time Warner indicated that it would be providing certain services via Voice over Internet Protocol (VoIP).

2. The Commission issued its standard Notice of Applications For Intrastate Certificates of Service Authority and Opportunity to Intervene on September 23, 2003. In the Commission's Order, the Commission set the intervention period for an interexchange or non-switched local exchange application at 15 days (October 8, 2003) and the intervention period for a competitive basic local exchange application at 30 days (October 23, 2003).

3. On October 6, 2003, the Commission Staff filed a Motion to Open Case in Case No. TO-2004-0172 for the purpose of examining issues surrounding VoIP and other matters.

The Commission denied Staff's Motion to Open Case on November 4, 2003 stating:

The Commission is currently considering some of the issues raised in Staff's motion in a contested case (Case Number LA-2004-0133). It would be inefficient to examine the same issues in a "generic" case that the Commission is considering in a specific case, and so the Commission will deny Staff's motion.

4. Also on November 4, 2003, the Commission issued its Order Granting Applications to Intervene in this Case. As part of that Order, the Commission stated that intervention was granted, in part, to address policy and public interests aspects surrounding VoIP.

5. Sprint Missouri, Inc. is a certified LEC and Sprint Communications Company, LP is a certified IXC and CLEC. Both companies will be bound by the Commission's decision in this case and could be adversely affected thereby. The representation of Sprint's interests in this case by existing parties is, or may be, insufficient to adequately protect its interests herein.

6. Pursuant to the Commission's Rules related to intervention [4 CSR 240-2.075(2)], Sprint states that it does not oppose Time Warner's application in this case. Sprint feels that Time Warner's Application should be evaluated and decided on the merits of Time Warner's qualifications and capabilities based on Commission rules just as the Commission has done with all other competitive providers. Further, given the fact that Time Warner has stated that access charges will be paid at least until the FCC has made a final determination regarding VoIP traffic, Sprint supports the opinion that this is not the case or venue to discuss the generic issues surrounding VoIP. However, due to the fact that this case has been expanded by the Commission to discuss the many aspects surrounding VoIP which may include the payment of access charges by other carriers, Sprint requests intervention to express its views.

7. No party to this action will be adversely affected or otherwise harmed and the interests of justice would be served. Sprint will accept the case and its current schedule as it

stands, including the pre-hearing conference which is currently scheduled for November 21, 2003.

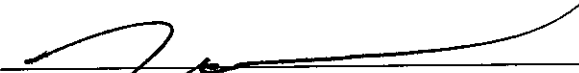
8. Copies of pleadings, correspondence, and orders should be addressed to:

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WHEREFORE, Sprint moves the Commission for an order allowing it to intervene in this case and become a party of record with all rights to have notice of and fully participate in this matter, including, but not limited to the right to file briefs and motions and to participate in arguments, and for all other necessary and proper purposes.

Respectfully submitted,

SPRINT



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the above and foregoing was served on each of the following parties by first-class/electronic/facsimile mail this 7th day of November, 2003:

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