

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

In the Matter of the Petition for Waiver on )  
Behalf of Sprint Communications ) Case No.  
Company L.P., Pursuant To Section )  
392.420, RSMo., as Amended by HB 1779 )

**PETITION FOR WAIVER ON BEHALF  
OF SPRINT COMMUNICATIONS COMPANY L.P.**

COMES NOW, Sprint Communications Company L.P., (hereinafter, Sprint), and hereby petitions the Commission for a waiver of the application and enforcement of certain statutes and rules, pursuant to Section 392.420, RSMo, as amended by HB 1779, effective August 28, 2008.

**Background of Sprint**

1. Sprint Communications Company L.P. is an indirect wholly-owned subsidiary of Sprint Nextel Corporation existing under the laws of the State of Delaware with headquarters at 6200 Sprint Parkway, Overland Park, Kansas 66251. Sprint is duly authorized to provide competitive local exchange and interexchange services in Missouri. Sprint is registered as a CLEC in Missouri and has been granted a certificate in Case Numbers TA-96-424 and TA 97-269. Sprint provides local exchange, long distance and data telecommunications services. Sprint has submitted the information in subsections (1)(B)-(F) of 4 CSR -2.060 in previous applications and incorporates the same by reference. See Report and Order, Case No. TA-97-269. All correspondence, pleadings, orders, decisions and communications regarding this proceeding should be sent to:

Kenneth Schifman  
Sprint Communications Company L.P.

6450 Sprint Parkway  
KSOPHN0212-2a303  
Overland Park, KS 66251

2. Sprint is a large national corporation that is often engaged in various litigations and administrative proceedings, which may involve customer service or rates. Pending at the FCC is the matter *Paul DeMoss, Paul DeMoss Trading as 1-800-AMERICA, and America's Gift Foundation, Inc., Complainants, v. Sprint Communications Company, L.P., Defendant* 23 FCC Rcd 5547 (Enf. Bur. April 7, 2008), which involves a claim of Sprint negligently terminating a customer's toll free service and reassigning its numbers. Sprint contends that no pending action, proceeding or judgment involving customer service or rates should be relevant to the Commission's consideration of this petition. Further, Sprint does not have any annual report or assessment fees that are overdue in Missouri.

#### **HB 1779**

3. Section 392.420, RSMo authorizes the Commission, among other things, to entertain a petition filed on behalf of an alternative local exchange telecommunications company to suspend or modify the application of the Commission's rules or of certain statutory provisions. Pursuant to HB 1779, Section 392.420 was amended, and now provides in pertinent part:

[F]or all existing alternative local exchange telecommunications companies, the commission shall waive, at a minimum, the application and enforcement of its quality of service and billing standards rules, as well as the provisions of subsection 2 of section 392.210, subsection 1 of section 392.240, and sections 392.270, 392.280, 392.290, 392.300, 392.310, 392.320, 392.330, and 392.340. (emphasis added).

4. Sprint is an "alternative local exchange telecommunications company" as the term is defined by Section 386.020(1), RSMo. Sprint hereby petitions the Commission for a waiver of

the application and enforcement of the following statutes and Commission rules, to the extent such a waiver or waivers have not been previously granted to such petitioner by the Commission:

Statutes:

- Section 392.210, subsection 2, RSMo.
- Section 392.240, subsection 1, RSMo.
- Section 392.280, RSMo.
- Section 392.290, RSMo.
- Section 392.300, RSMo.
- Section 392.310, RSMo.
- Section 392.320, RSMo.
- Section 392.330, RSMo.
- Section 392.340, RSMo.

Rules:

- 4 CSR 3.550(4) and (5)(A) and 5(A) and 5(C).
- 4 CSR 32.060
- 4 CSR 32.070
- 4 CSR 32.080
- 4 CSR 33.040 sections (1) through (3) and sections (5) and (10)
- 4 CSR 33.045
- 4 CSR 33.080(1)
- 4 CSR 33.130(1)(4) and (5)

5. The above-cited statutes are specifically referenced in Section 392.420.

6. The above-cited rules are quality of service and billing standards rules as specifically referenced in Section 392.420.

7. Sprint presents this list of rules for waiver as it understands that Commission Staff does not object to waivers of these rules. By not listing other rules in Code Parts 32 and 33, Sprint does not waive any arguments it may make in the future of whether additional rules are subject to waiver under Section 392.420.

8. Staff has indicated a preference that carriers file a list of waived rules and statutes in their tariffs, and Sprint intends to do so. Sprint however, appreciates the Commission's

present situation, given its current workload and limited resources. Therefore unless otherwise directed by the Commission or requested by Staff, Sprint will make their administrative tariff filings listing the waivers following the issuance of the Commission's Order granting Sprint's petition.

WHEREFORE, Sprint requests that the Commission expeditiously grant its petition for waiver of the statutes and rules mentioned herein.

Respectfully submitted this 16th day of September, 2008.

Sprint Communications Company L.P.



Kenneth A. Schiffman, MO Bar No.42287

Mailstop: KSOPHN0212-2A303

6450 Sprint Parkway

Overland Park, Kansas 66251

Voice: 913-315-9783

Fax: 913-523-9827

Email: kenneth.schifman@sprint.com

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 16<sup>th</sup> day of September, 2008, a copy of the above and foregoing Petition of Waiver of Sprint Communications Company L.P. was served via U.S. Mail, postage paid and or email/facsimile to each of the following parties:

General Counsel  
Kevin Thompson  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, Missouri 65102  
gencounsel@psc.mo.gov  
kevin.thompson@psc.mo.gov

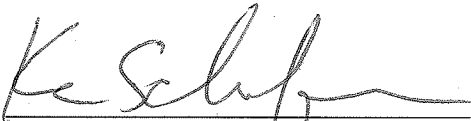
Michael F. Dandino  
Office of the Public Counsel  
P. O. Box 7800  
Jefferson City, Missouri 65102  
mike.dandino@ded.mo.gov  
opcservice@ded.mo.gov

  
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CITY OF OVERLAND PARK     )  
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STATE OF KANSAS             )     SS

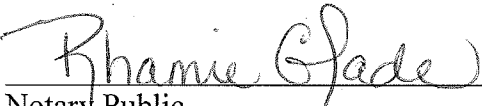
**VERIFICATION**

I, Kenneth A. Schiffman, an attorney and duly authorized representative of Sprint Communications Company L.P. hereby verify and affirm that I have read the foregoing Petition, and verify that the statements contained therein are true and correct to the best of my information and belief.

  
Kenneth A. Schiffman

Subscribed and sworn to before me on this 16 day of September, 2008.



  
Notary Public

My Appointment Expires: 9-12-2012