



Linda K. Gardner  
Senior Attorney

Sprint Corporation  
5454 West 110th Street  
Overland Park, KS 66211  
Voice 913 345 7915  
Fax 913 345 7568  
linda.gardner@mail.sprint.com

February 22, 2000

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
301 West High Street, Suite 530  
Jefferson City, MO 65101

FILED<sup>2</sup>  
FEB 22 2000  
Missouri Public  
Service Commission

Re: In the Matter of Modern Telecommunications, Co., Northeast Missouri Rural  
Telephone Co., Mid-Missouri Telephone Co., and Moka Dial, Inc.  
Case No. TØ-2000-375

Dear Mr. Roberts:

Enclosed for filing are an original and fourteen (14) copies of an Application  
to Intervene of Sprint Spectrum L.P. d/b/a Sprint PCS.

If you have any questions, please do not hesitate to contact me at (913) 345-  
7915.

Sincerely,

Linda K. Gardner

LKG:ket  
Enclosures

cc: All Parties

**FILED<sup>2</sup>**

FEB 22 2000

Missouri Public  
Service Commission

## Complainants

) Case No. TC-2000-375

V.

Southwestern Bell Telephone Company,  
Respondent.

COMES NOW, Sprint Spectrum L.P. d/b/a Sprint PCS (Sprint PCS) pursuant to Section 386.420 RSMo and 4 CSR 240-2.110 and respectfully seeks an Order granting intervention into this case. In support, Sprint PCS states as follows:

1. Sprint PCS is a Delaware limited partnership with offices at 4900 Main Street, Kansas City, Missouri 64112. Sprint PCS is authorized to transact business within the State of Missouri and is authorized by the Federal Communications Commission ("FCC") to provide Commercial Mobile Radio Services ("CMRS") within the State.

2. All correspondence, communications and orders in this docket should be directed to:

Charles McKee  
Sprint PCS  
4900 Main, 12<sup>th</sup> Floor  
Kansas City, MO 64112

Linda K. Gardner  
Sprint Corporation  
5454 W. 110<sup>th</sup> Street  
Overland Park, KS 66211

3. The Complainants contend that SWBT “has violated a Commission Order by not complying with its obligation to pay for wireless originated calls terminating to

Modern, Northeast, Mid-Missouri, and MoKan over the facilities of SWB." The Complainants further state that the "wireless carriers have refused to pay bills for such traffic, and these wireless carrier do not have a reciprocal compensation agreement with Modern, Northeast, Mid-Missouri and MoKan." Sprint PCS is one of the wireless carriers allegedly refusing to pay.

4. Because the underlying traffic for which Complainants seek compensation is wireless traffic originated on Sprint PCS' network, Sprint PCS has an interest in this matter different than that of the general public. Moreover, if successful against SWBT, SWBT may seek indemnification for payment from Sprint PCS, consequently, Sprint PCS has an interest in ensuring that only the appropriate level and amount of compensation is due. As SWBT recites in its Answer and Motion to Dismiss, Complainants unlawfully seek to apply access rates to intra-MATA wireless traffic. To this point, Complainants have consistently insisted on compensation at its access rate levels and have refused to negotiate appropriate compensation arrangements with Sprint PCS. Sprint PCS has repeatedly attempted to negotiate appropriate compensation arrangements with Complainants but to no avail.

5. On January 27, 2000, the Commission issued a Report and Order in Case No. TT-99-428, et.al rejecting access tariff revisions filed by some of the Complainants in this case which proposed to apply their intrastate access rates to wireless traffic. The Commission held that access charges do no apply to intraMTA wireless traffic. Since this complaint is premised on non-payment of access rates and access rates clearly do not apply to this traffic, Sprint PCS agrees with SWBT that the complaint

should be dismissed. Therefore, if allowed to intervene, Sprint PCS will take a position opposed to the complaint.

6. No intervention date or procedural schedule has been set in this case, consequently, this motion should be deemed timely.

WHEREFORE, for the foregoing reasons, Sprint PCS seeks an Order Granting Intervention to Sprint Spectrum L.P. d/b/a Sprint PCS.

Respectfully Submitted,

SPRINT SPECTRUM L.P. d/b/a SPRINT PCS



Linda K. Gardner MoBar #32224  
5454 W. 110th Street  
Overland Park, KS 66211  
Tele. (913) 345-7915  
Fax. (913) 345-7568

Charles McKee MoBar #39710  
Sprint PCS  
4900 Main, 12<sup>th</sup> Floor  
Kansas City, MO 64112  
Tele. (816) 559-2521  
Fax. (816) 559-2591

#### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Intervene was mailed, postage prepaid, to all counsel of record this 21<sup>st</sup> day of February 2000.

