

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

In the Matter of the Tariff Filing of Sprint Missouri , Inc. d/b/a/ Sprint to Modify rates in accordance with Sprint's price cap Regulations, pursuant to Section 392.245, RSMo))))	Case No. IT-2004-0225 Tariff No. JI-2004-0611
In the Matter of the Tariff Filing of Sprint Missouri , Inc. d/b/a/ Sprint to Modify rates in accordance with Sprint's price cap Regulations, pursuant to Section 392.245, RSMo))))	Case No. IT-2004-0226 Tariff No. JI-2004-0612
In the Matter of the Tariff Filing of Sprint Missouri , Inc. d/b/a/ Sprint to Modify rates in accordance with Sprint's price cap Regulations, pursuant to Section 392.245, RSMo))))	Case No. IT-2004-0227 Tariff No. JI-2004-0613
In the Matter of the Tariff Filing of Sprint Missouri , Inc. d/b/a/ Sprint to Modify rates in accordance with Sprint's price cap Regulations, pursuant to Section 392.245, RSMo))))	Case No. IT-2004-0228 Tariff No. JI-2004-0614
In the Matter of the Tariff Filing of Sprint Missouri , Inc. d/b/a/ Sprint to Modify rates in accordance with Sprint's price cap Regulations, pursuant to Section 392.245, RSMo))))	Case No. IT-2004-0229 Tariff No. JI-2004-0615

**SPRINT'S REPLY COMMENTS TO THE
RESPONSE OF THE OFFICE OF PUBLIC COUNSEL**

COMES NOW Sprint Missouri, Inc, and hereby offers its Reply to the Response of the Office of Public Counsel.

1. On October 31, 2003, Sprint filed its proposed tariff sheets to modify its rates in accordance with the Price Cap regulations pursuant to Section 292.245 RSMo 2000.

2. On November 19, 2003, OPC filed to suspend Sprint's tariff sheets and to hold evidentiary hearings.

3. On November 24, 2003, the Commission issued its Order Directing Filing whereby directly Sprint and Staff to file responses of the OPC's November 19, Motion no later than December 3, 2003. The Commission also stated that the OPC may file a "reply to the responses of the Commission's Staff and the company no later than December 9, 2003."

4. Both Sprint and Staff filed its replies to the OPC's motion timely. Specifically, Sprint filed its response on November 25, and Staff filed its response on December 3. Both the Staff and Sprint limited its replies to the three topics raised by the OPC in its November 19, Motion: (1) OPC's claim that Sprint violated Commission rules by not providing a summary of the proposed tariff changes; (2) OPC's argument that Sprint has not yet responded to OPC's Data Requests; and (3) OPC's disagreement with this Commission pertaining to Sprint's 2002 CPI-TS adjustment.

5. On December 9, 2003, the OPC filed its Response and reiterated its request for tariff suspension and evidentiary hearings. OPC claims that (a) Sprint is not following the spirit of a *proposed* rule; (b) Sprint "gamed" the discovery process, and (c) Sprint engaged in the practice of "banking".

6. All three of OPC's claims are simply false. The facts to this case remain the same and the OPC offers no valid reason to suspend Sprint's tariff. First, Sprint is in full compliance with all Commission rules pertaining to filing requirements. OPC's claim that Sprint failed to follow a rule that is not yet in effect -- a rule that has not yet even been published in the register -- is not a valid argument for suspension. Second,

Sprint is in full compliance with all Commission rules pertaining to discovery. Sprint absolutely is not trying to “game the discovery process” and the simple fact is that OPC could have acted more timely had it so chosen. Third, Sprint is not engaged in any “banking”. In fact, OPC acknowledges that “it does not appear that Sprint has increased the price of any non-basic service in excess of 8%”. (emphasis added) The three reasons offered by the OPC to suspend Sprint’s tariffs should be rejected and the OPC’s Motion should be denied. Sprint will briefly discuss each of the three reasons below.

7. Sprint is in full compliance with all Commission rules pertaining to filing requirements. This fact was verified by the Staff in its December 3, comments. In fact, Staff stated that it “believes Sprint’s cover letters provide adequate notice of the proposed changes, and that further discussion or analysis of the changes in these cases would be redundant....”

8. Sprint also is in full compliance with all Commission rules pertaining to discovery. When issuing its discovery, OPC specifically stated in its instructions that Sprint had 20 days to respond. The OPC never once contacted Sprint regarding expedited treatment nor any other aspect relating to discovery. In fact, Sprint was not aware of any concerns with discovery until OPC ambushed Sprint in its November 19, Motion. Any discovery concerns, however, are now a moot point. There are no motions related to discovery before the Commission and, as noted above, OPC has performed its analysis and concluded that “it does not appear that Sprint has increased the price of any non-basic service in excess of 8%”.

9. Sprint is not engaged in the practice of “banking”. The Commission specifically prohibits the practice of “banking” and none of Sprint’s proposed rate

increases are in excess of eight percent. Both the Staff and the OPC verified that none of Sprint's proposed rate increases were in excess of eight percent. In regards to the section of Sprint's tariff that pertains to "maximum allowable prices", Sprint notes that this section is merely a tracking mechanism and is in no way reflective of the actual price that customers are charged. This fact is verified by Staff in its December 9, 2003

Recommendation to Approve Sprint Price Cap Tariff Filings. As these sections of Sprint's tariffs are used only for administrative purposes, Sprint will gladly withdraw the "maximum allowable price" sections of the tariff in its entirety if requested by the Commission.

10. The OPC also claims that Sprint engaged in retaliatory tactics by substituting four tariff sheets. Tariff page substitution for minor items is fully allowed per Commission rules and OPC fails to make a single reference to any existing rule for which Sprint has not fully complied. Sprint did make minor modifications to four tariff pages to accommodate rounding when decimals are taken into account. In total, only two actual rates were impacted and in both instances the rates were edited downward by pennies.

WHEREFORE Sprint respectfully requests the Commission consider the above and approve Sprint's proposed tariff revisions.

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 10th day of December, 2003.

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Respectfully submitted,

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