

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

Sprint Communications Company L.P.,)	
Sprint Spectrum L.P., Nextel West Corp)	
and NPCR, Inc.,)	
)	
Complainants,)	
)	
vs.)	Case No. TC-2008-0182
)	
Southwestern Bell Telephone Company)	
d/b/a AT&T Missouri,)	
)	
Respondent.)	

AT&T MISSOURI'S REQUEST FOR MEDIATION

AT&T Missouri,¹ pursuant to the Missouri Public Service Commission's ("Commission's") December 10, 2007, Notice of Complaint, respectfully requests the Commission to refer this matter to a neutral third-party mediator.² AT&T Missouri believes that third-party mediation would be beneficial here because the Sprint/Nextel Companies'³ Complaint is premature. Mediation would provide a structured setting to determine whether an actual controversy exists and an opportunity to resolve it before proceeding to time-consuming, costly litigation.

A commitment that AT&T made to the Federal Communications Commission ("FCC") as part of the BellSouth merger does allow the BellSouth Kentucky Interconnection Agreement ("ICA") to be ported to Missouri by the appropriate parties, but

¹ Southwestern Bell Telephone Company, d/b/a AT&T Missouri, will be referred to in this pleading as "AT&T Missouri."

² In making this request, AT&T Missouri specifically reserves its right to file an answer contesting the claims in the Sprint/Nextel Companies' Complaint, including those pertaining to the Commission's jurisdiction over the subject matter of the Complaint.

³ Complainants Sprint Communications Company L.P., Sprint Spectrum L.P., Nextel West Corp and NPCR, Inc. will be referred to in this pleading as the "Sprint/Nextel Companies" or "Complainants."

only after it has been modified -- consistent with the terms of that commitment -- to conform with Missouri pricing, Missouri performance measures and remedy plans, Missouri OSS attributes and limitations, and other applicable legal and regulatory requirements.⁴

The Sprint/Nextel Companies filed their Complaint only eight days after they formally notified AT&T that they intended to exercise their right under the merger commitments to port the BellSouth Kentucky ICA to Missouri.⁵ AT&T has since responded to the Sprint/Nextel Companies (on December 13, 2007), explaining that the BellSouth Merger Commitment 7.1 will permit the BellSouth Kentucky ICA to be ported jointly by one CLEC and one CMRS⁶ provider (the BellSouth Kentucky ICA was a three-party agreement), but not by consortiums consisting of one CLEC and multiple CMRS providers. AT&T stated that once Sprint/Nextel informs AT&T which CMRS provider is to be a party to the agreement, AT&T would process the request and identify the needed state-specific modifications.

In processing such a porting request, AT&T will provide a redline copy of the BellSouth Kentucky ICA showing the modifications that must be made to the agreement in order for it to be ported to another state. Here, the BellSouth Kentucky ICA must be

⁴ By the terms of Merger Commitment 7.1, the port is:

. . . subject to state-specific pricing and performance plans and technical feasibility and provided, further, that an AT&T/BellSouth ILEC shall not be obligated to provide pursuant to this commitment any interconnection agreement or UNE unless it is feasible to provide, given the technical common network, and OSS attributes and limitations in, and is consistent with the law and regulatory requirements of, the state for which the request is made.

In the Matter of AT&T Inc. and BellSouth Corp., Application for Transfer of Control, FCC 06-189, 22 FCC Rcd. 5662 (rel. Mar. 26, 2007) (“FCC Merger Order”), Appendix F (Cmplt. Exh. A), at 149. The merger commitments in Appendix F to the Merger Order constitute several categories. The commitment referred to as “Merger Commitment 7.1” is item 1 in the seventh category, “Reducing Transaction Costs Associated with Interconnection Agreements.”

⁵ Sprint Companies Complaint, paras. 8-9.

⁶ “CMRS” stands for “Commercial Mobile Radio Services.”

reviewed against Missouri pricing and performance plans, for technical feasibility in Missouri, and for consistency with the law and regulatory requirements of Missouri in order to see what modifications must be made before the agreement can be approved for use in Missouri. Identifying all the modifications contemplated by Merger Commitment 7.1 is an arduous process, particularly for the BellSouth Kentucky ICA, which is 1,169 pages long. It has been AT&T's experience that redlining such an agreement involves thousands of necessary modifications. While most of the edits are simple and mechanical (e.g., carrier name changes), the entire document must be reviewed, word-for-word, in order to be made suitable for filing in another state. Of the many substantive changes, some, such as pricing, are straight forward, while others require research to ensure that the document is consistent with the legal and regulatory requirements of the port-to state. This is a substantial undertaking, especially here, where the Complainants seek to port an interconnection agreement that is doubly complex because it pertains both to a wireline CLEC and a CMRS provider.

At this point, AT&T has not yet methodically reviewed the BellSouth Kentucky ICA for purposes of a port to Missouri. AT&T is processing other, earlier, porting requests and is awaiting Sprint/Nextel's designation of the porting CMRS provider for Missouri (as of the filing of this pleading, Sprint/Nextel has not responded to AT&T's December 13, 2007 letter). As a result, it is uncertain whether there is an issue to be resolved concerning the Complainants' eligibility to port the BellSouth Kentucky ICA. AT&T Missouri therefore believes that it would be useful to refer this Complaint to a third-party mediator. Doing so would provide a structured setting to determine whether an

actual controversy exists and an opportunity to resolve it before proceeding to time-consuming, costly litigation.

WHEREFORE, AT&T Missouri respectfully requests the Commission to refer the Sprint/Nextel Companies' Complaint to a neutral third-party mediator.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE
COMPANY, D/B/A AT&T MISSOURI

BY 

TIMOTHY P. LEAHY #36197

LEO J. BUB #34326

ROBERT J. GRYZMALA #32454

Attorneys for AT&T Missouri

One AT&T Center, Room 3518

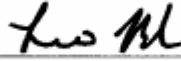
St. Louis, Missouri 63101

314-235-2508 (Telephone)/314-247-0014(Facsimile)

leo.bub@att.com

CERTIFICATE OF SERVICE

Copies of this document were served on the following parties by e-mail on January 4, 2008.



Leo J. Bub

William Haas
General Counsel
Missouri Public Service Commission
PO Box 360
Jefferson City, MO 65102
William.Haas@psc.mo.gov
general.counsel@psc.mo.gov

Paul S. DeFord
Lathrop & Gage LC
2345 Grand Boulevard
Kansas City, MO 64108
pdeford@lathropgage.com

Kenneth A. Schiffman
Sprint Communications Company L.P.
6540 Sprint Parkway
Overland Park. KS 66251
Kenneth.schiffman@sprint.com

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

Jeffrey M. Pfaff
Sprint Communications Company LP
6540 Sprint Parkway
Overland Park. KS, 66251
Jeff.m.pfaff@sprint.com