

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

In the Matter of Proposed Rulemaking,)
4 CSR 240-2.117, Summary Determination) Case No. AX-2002-159

SPRINT'S COMMENTS

Comes now Sprint Communications Company, L.P. and Sprint Missouri, Inc. and hereby provide the following comments in connection with proposed Rule 4 CSR 240-2.117 Summary Disposition of Contested Cases.

While Sprint agrees that this Commission should have a rule that allows summary dispositions of contested cases, Sprint cautions the Commission to not set the time period in which a party replies to motions for summary determinations so short that it puts the party defending the motion for summary determination in a position that they are unable to completely respond. The proposed rule provides a ten day period after a motion is served. The rule does not mandate service by electronic mail or facsimile. Therefore the proposed rule allows a party to serve a motion for summary determination on a Friday via regular mail. The party opposing the motion for summary determination may not receive the motion until at least four days later and quite likely five or six days later. Motions for summary determinations typically have affidavits as well as many additional facts of which the opposing party may not have prior knowledge. Therefore, the Commission rule will give the opposing party only four business days to respond to new material. In most cases, this is unlikely to allow sufficient time to fully respond.

Further, it should be noted that in the Rules of Civil Procedure, parties are provided 30 days to respond to motions for summary judgment. See R. 74.04, MRCP. Furthermore, the

Rules of Civil Procedure add three days to any response period when a party selects to serve by mail. See R. 44.01(e). Therefore, Sprint suggests to this Commission that it extend the ten-day period to a twenty day period and allow an additional three days if a party selects to serve by mail.

Respectfully submitted,
Sprint

9

Lisa Creighton Hendricks - MO Bar #42194
6450 Sprint Pkwy
Mail Stop: KSOPHN0212-2A253
Overland Park, KS 66251
Voice: 913-315-9363 ? Fax: 913-523-9769
Lisa.c.creightonhendricks2mailsprint.com

*by
Dawn Bergmyer*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing was mailed, postage prepaid, to the parties listed below, this 30th day of May, 2002.

P

LL

Lisa Creighton Hendricks

Lisa Hendricks

Office of the Public Counsel
P. O. Box 7800
Jefferson City, MO 65102

Dan Joyce
Office of the General Counsel
MO Public Service Commission
P. O. Box 360
Jefferson City, MO 65102