

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

DAVID HICKS

Complainant,

v.

SPRINT MISSOURI, INC.

Respondent.

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Case No. TC-2004-0442

**SPRINT ANSWER, AFFIRMATIVE DEFENSES,
AND MOTION TO DISMISS**

COMES NOW Sprint Missouri, Inc. ("Sprint"), and respectfully states the following to the Missouri Public Service Commission ("Commission") as its Answer, Affirmative Defenses and Motion to Dismiss to the Complaint filed by David Hicks ("Complainant"):

SUMMARY

1. This case involves a complaint filed by David Hicks regarding an outstanding bill with Sprint. On March 1, 2004, Complainant Mr. David Hicks filed a complaint with the Commission against Sprint stating as follows:

I David Hicks in good faith tried to paid Sprint. I am on disability and only get 584.00 month your employee Mrs. Gay Fred is the one who messed everything up. She set the payment plans at a rate Mrs Fred Gay your employee knew I couldn't pay. I told Mrs. Gay Fred I told Sprint I will pay this bill in payments but they will not accept any acceptable payment plan my taxes are 1000.00 on house electric 433.00 phone 500.00 house 210.00 house insurance 80.00 month groceries I can't afford I don't have no luxuries like cell phone or computers or saddle light or anything I am under a doctor whether I live or die depends on if I can get ambulance or not. I will pay this bill if Sprint will work out a payment plan I can afford I suffered chest pains symptoms of a life threatening emergencies.

Mrs Fred Gay said this is not here problem. I am ashamed that Mrs. Fred Gay is rude, cruel, and cold to people who need help.

2. This complaint arose out of a series of unpaid monthly invoices, beginning with the November 8, 2003 bill and culminating with the disconnection of service on February 4, 2004. The Complainant initially contacted the Commission Staff on December 23, 2003 stating an inability to pay his bill. The Commission Staff contacted Sprint in an effort to resolve this issue. Subsequently, Sprint formulated various reasonable payment plans with the assistance of Staff for the Complainant which would have allowed the Complainant to avoid suspension of service. Ultimately, the Complainant failed to enter into any of the proposed payment arrangements. Therefore, exhaustive efforts by both Sprint and Staff to arrange a reasonable payment plan for the Complainant, **HC xx HC**, in full compliance with all applicable Commission rules.

ANSWER

3. For its Answer to the allegations contained in the complaint of David Hicks, Sprint states as follows:

4. Complainant states in his complaint that \$500 is owed for phone service. Sprint verifies that Complainant **HC xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx HC**. Further, Sprint states that **HC xxx
xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx HC** which was for the October billing cycle. **HC
xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx HC** Sprint provided Mr. Hicks
with **HC xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx HC*, in full compliance
with all Commission rules.

[illegible]

6. Further answering, Sprint states that it has acted in accordance with Commission rules and regulations.

7. Sprint denies any allegation contained in the complaint which is not specifically admitted herein.

MOTION TO DISMISS AND AFFIRMATIVE DEFENSES

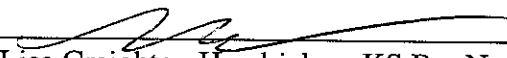
8. The Commission should dismiss this complaint as it fails to state any cause of action upon which relief can be granted by the Commission.

9. In this complaint, the Complainant does not state any facts or any legal cause of action which would permit the Commission to grant any relief. A review of the factual allegations contained in the complaint reveals that the Complainant does not allege that Sprint violated any Commission rules or regulations. Moreover, the complaint does not allege any improper billing or termination of service. In the complaint, the Complainant merely states that he is on a fixed income, has many other bills to pay, and does not have the funds to pay his telephone bill. This situation, however unfortunate, does not state a cause for which relief can be granted by the Commission.

WHEREFORE, Sprint Missouri, Inc. having fully answered and set forth its affirmative defenses, respectfully requests that the Commission dismiss the Complaint.

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 the following parties by first-class/electronic/facsimile mail, this 14th day of June, 2004.

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