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

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| **In the Matter of the Investigation into Signaling Protocols, Call Records, Trunking Arrangements, and Traffic Measurement.** | ) ) ) ) | **Case No. TO-99-593** |

**SPRINT'S RESPONSE TO MITG'S MOTION FOR PREHEARING CONFERENCE, HEARING, AND TARIFF DECLARATION**

**COMES NOW** Sprint Missouri, Inc. and hereby provides its Response to the MITG's Motion For Prehearing Conference, Hearing, and Tariff Declaration in this case. Sprint opposes the Motion and respectfully requests that the Commission deny MITG's Motion and states as follows:

1. The Commission created this case on June 10, 1999 "to investigate signaling protocols, call records, trunking arrangements and traffic measurement," when it issued its Report and Order in Case No. TO-99-254 (commonly referred to as the "PTC Case").

2. The Commission issued its Order Directing Implementation, Denying Motion to Consolidate, and Granting Intervention in this case (the "Order Directing Implementation"), on December 13, 2001. In that Order, the Commission ordered all telecommunications companies subject to the jurisdiction of the Commission to implement OBF Issue 2056, (OBF -- Ordering and Billing Forum -- is the industry standard setting body).

3. On January 20, 2004, the MITG filed a Motion for Prehearing Conference, Hearing, and Tariff Declaration requesting the Commission make determinations as to the following:

a. The necessity or advisability of different treatment for traffic placed on the "LEC to LEC" or Feature group C (FGC) network than that afforded traffic placed on the "IXC" or Feature Group D (FGD) network for termination.

b. Declaration of the effect of small ILEC access tariff provisions providing that, when Feature Group D becomes available, Feature Group C will no longer be available.

c. Billing Record creation and exchange to be utilized for traffic placed upon the "LEC to LEC" or FGC network for termination.

d. Financial Responsibility to be utilized for traffic placed upon the "LEC to LEC" or "FGC network" for termination.

e. Compensation responsibilities for uncompensated "transit" traffic placed on the "LEC to LEC" FGC network for termination since the end of the Primary Toll Carrier Plan.

4. The MITG's motion is yet another thinly veiled attempt for a rehearing in this case, and this Commission has previously ruled against similar MITG Motions in this Case and this MTIG Motion should also be denied. Specifically, on January 28, 2003, the Commission ruled that "The Commission denies a motion by the Small Telephone Company Group and the Missouri Independent Telephone Company Group to implement their business relationship proposal..."[1] Later in that same Order, the Commission ruled that "The STCG/MITG proposal is an attempt to assign responsibility and it is still a "drastic step." The Commission will not take this drastic step until it becomes clear that there is no cost-effective way to identify and bill the party responsible for uncompensated traffic. Simply because implementation of OBF Issue 2056 will not provide the appropriate records creation and exchange does not mean that all avenues are closed and the time is ripe to simply shift upstream the responsibility for uncompensated traffic."

5. This case was established to investigate certain technical aspects of the routing and recording of intraLATA telephone calls, and <u>not</u> for the purpose of examining or changing

the business relationships between parties. MITG has continually sought to alter this case into an attempt to change the business relationships between carriers, and this Commission has continually rejected the MITG's efforts to formally change the purpose of the case.

6. The MITG proposal to change the business relationships and/or convert all FGC routes to FGD capabilities fails to address the significant system modifications, network trunking arrangements, facility availability, and other aspects which would impose significant costs on the industry. Rather, the Staff has been working with the industry, including MITG members, on a proposed rule referred to as the "Enhanced Records Exchange Rule."[2] In fact, the Staff has discussed this proposed rule with the Commission in Agenda sessions. The proposed rulemaking attempts to address many of the MITG's concerns although it will not address any changes to the business relations between parties – something that MITG still strives to change. Because the relief requested by MITG in its Motion are contrary to the purpose and objectives of the proposed rule, by granting MITG's Motion the Commission would defeat the very purpose of the Enhanced Records Exchange Rule.

7. MITG claims in its Motion that the delay in codifying aspects in the Enhanced Records Rule has resulted in the small ILECs suffering from uncompensated transit traffic. MITG, however, fails to provide any facts or data to support its claim. In fact, these are the same claims the MITG have made over the past 4 ½ years that the Commission previously rejected in denying similar MITG request.

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1 Order Denying Motion, Case No. TO-99-593, Issued January 28, 2003

2 TX-2003-0301, "Proposed rule to require all Missouri telecommunications companies to implement an enhanced record exchange process to identify origin of intraLATA calls terminated by local exchange carriers"

**WHEREFORE,** Sprint respectfully requests the Commission to consider the above comments and reject the MITG Motion.

Respectfully submitted.

**SPRINT**

Lisa Creighton Hendricks - MO Bar #42194
6450 Spring Parkway
MS: KSOPHN0212-2A253
Overland Park, KS 66251
Voice: 913-315-9363
Fax: 913-523-9829
Lisa.c.creightonhendricks@mail.sprint.com

**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 30th day of January, 2004:

Mr. Dana Joyce
General Counsel
Missouri Public Service Commission
200 Madison Street, Suite 650
Jefferson City, Missouri 65102

Mr. Jim Fischer
Fischer & Dority PC
101 Madison Street, Suite 400
Jefferson City, Missouri 65101-3015

Ms. Martha Hogerty
Office of the Public Counsel
P. O. Box 7800
Jefferson City, Missouri 65102

Mr. Craig Johnson
Andereck, Evans, Milne, Pease
& Baumhoer
700 East Capitol Street
P. O. Box 1438
Jefferson City, Missouri 65102

Mr. Michael Dandino
Office of the Public Counsel
Missouri Public Service Commission
200 Madison Street, Suite 650
Jefferson City, MO 65101
opcservice@ded.state.mo.us

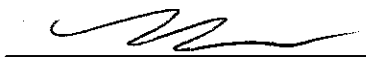
Mr. Keith Krueger
Office of the General Counsel
Missouri Public Service Commission
200 Madison Street, Suite 800
Jefferson City, MO 65101
gencounsel@psc.state.mo.us

Mr. Paul S. DeFord
Lathrop & Gage
2345 Grand Blvd
Kansas City, Missouri 64108

Mr. Paul Lane
Mr. Tony Conroy
Mr. Leo Bub
SWBT
One Bell Center, Room 3518
St. Louis, Missouri 63101

Mr. Dave Evans
GTE Midwest Incorporated
601 Monroe St., Suite 304
Jefferson City, Missouri 65101

Rose Mulvaney
Birch Telecom
2020 Baltimore
Kansas City, Missouri 64104



Lisa Creighton Hendricks