

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

In the Matter of a Commission Inquiry)
into the Possibility of Impairment without)
Unbundled Local Circuit Switching When)
Serving the Mass Market)

Case No. TO-2004-0207

**RESPONSE OF SPRINT TO ORDER CREATING CASE AND
ESTABLISHING INITIAL FILING DEADLINES**

COMES NOW Sprint Missouri, Inc. and Sprint Communications, L.P. (collectively "Sprint"), and hereby files its response to the Commission's Order in this case.

1. On November 5, 2003, the Commission issued an Order creating this case and establishing filing deadlines for certain information. In that Order, the Commission has made certain incumbent local exchange carriers, including Sprint Missouri, Inc., parties to the case, and all certificated competitive local exchange carriers, including Sprint Communications, L.P., were also made parties.

2. As a result of the FCC findings in the Triennial Review Order ("TR Order")¹, state commissions are required to make a further determination regarding the national finding of impairment without access to unbundled local circuit switching for mass markets, enterprise loops and dedicated transport in response to a challenge by any party on a more granular basis. The Commission also has determined that this analysis will be done in a contested case proceeding. To that end, the Commission included in the November 5 Order the requirement that ". . . any party or proposed intervenor that plans to challenge the FCC's finding of impairment for mass market local

¹ *In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers. Implementation of the Local competition Provisions of the Telecommunications Act of 1996. Deployment of Wireline Services Offering Advanced Telecommunications Capability.* CC Docket No. 01-338, CC Docket No. 96-98, CC Docket No. 98-147; Report and Order and Order on Remand and Further Notice of proposed Rulemaking, released August 21, 2003.

circuit switching, loops and transport shall file a pleading stating that intent no later than November 12, 2003".²

3. In response to the Commission's directive, Sprint hereby informs the Commission that it does not intend to challenge the FCC's national finding of impairment for mass market local circuit switching, enterprise loops or dedicated transport during this initial nine month proceeding for any of its incumbent LEC markets, customer locations or transport routes. Given this fact, Sprint would continue to offer all UNEs to CLECs consistent with the FCC rules. Therefore, Sprint would generally expect its ILEC operation in Missouri not to be the subject to extensive discovery or be part of any batch cut review process in this proceeding.

4. While Sprint does not plan to challenge the FCC's finding of no impairment at this time in this proceeding, to the extent that any party makes specific claims regarding impairment or non-impairment in geographic markets, customer locations, or transport routes which include Sprint's ILEC exchanges, Sprint reserves the right to fully address those arguments at that time. Further, as allowed under the FCC's rules, Sprint retains the opportunity to challenge the national findings of impairment beyond this initial nine month investigation.

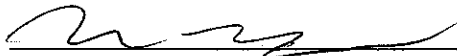
5. Additionally, Sprint is hereby serving notice of its intention to participate and reserves its right to be involved in the "market definition" aspects of this proceeding.

WHEREFORE, Sprint respectfully files its responses to the Commission's directive in this Order.

²Order in Case No. TO-2004-0207, November 5, 2003, ¶ 8.

Respectfully submitted,

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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 12th day of November, 2003:

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