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December 5, 2002

FILED³

DEC 05 2002

**Missouri Public
Service Commission**

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street
Jefferson City, MO 65101

Re: Sprint's Reply to Southwestern Bell Telephone Company's Response to Sprint's
Motion for Leave to File Amended Complaint
Case No. TC-2002-1104

Dear Mr. Roberts:

Enclosed for filing please find an original and eight copies of SPRINT'S REPLY TO SOUTHWESTERN BELL TELEPHONE COMPANY'S RESPONSE TO SPRINT'S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT in the above referenced case.

Copies have been provided to all parties of record.

Sincerely,

Paul H. Gardner/alk
Paul H. Gardner

PHG/alh
Enclosure(s)

BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

FILED³

DEC 05 2002

Sprint Communications Company, L.P.,)
Complainant,)
v.)
Southwestern Bell Telephone Company,)
Respondent.)

Missouri Public
Service Commission

Case No. TC-2002-1104

**SPRINT'S REPLY TO SOUTHWESTERN BELL
TELEPHONE COMPANY'S RESPONSE TO SPRINT'S
MOTION FOR LEAVE TO FILE AMENDED COMPLAINT**

COMES NOW Sprint Communications Company, L.P. ("Sprint") and for its Reply to Southwestern Bell Telephone Company's ("SWBT") Response to Sprint's Motion for Leave to File Amended Complaint states as follows:

I. SPRINT'S PROPOSED AMENDMENTS DO NOT CHANGE OR ADD CLAIMS TO THE ORIGINAL COMPLAINT AND THE PROPOSED AMENDMENTS DO NOT PREJUDICE ANY DEFENSES AVAILABLE TO SWBT ON THE MERITS OF SPRINT'S COMPLAINT.

SWBT's Response to Sprint's Motion for Leave to File Amended Complaint asserts that the proposed amendments change and add to the substantive allegations in the original Complaint because: (1) Sprint has changed its claim from 'SWBT has not applied the correct rates' to 'SWBT has not applied just and reasonable rates', (2) "Sprint has added claims that the Commission has jurisdiction over Sprint's Complaint under additional Missouri statutes, and under the federal Telecommunications Act of 1996, which claims were not raised in Sprint's original Complaint."

SWBT's argument fails to recognize the distinction between jurisdictional allegations that relate to the Commission's power to entertain Sprint's Complaint and substantive claims relating

to the merits of SWBT's conduct. The proposed amendments to Sprint's Complaint simply clarify the Commission's jurisdiction to entertain Sprint's Complaint under Section 252 of the Telecommunications Act of 1996 ("the Act") and specifies the Commission's complaint jurisdiction under Section 386.330 RSMo. The substitution of "SWBT has not applied just and reasonable rates" for "SWBT has not applied the correct rates" in the Complaint Introduction merely identifies the statutory language against which SWBT's conduct is measured. None of the proposed amendments to the Complaint add claims or change the allegations of SWBT's conduct that is the basis of the relief requested by Sprint. The substance of the Complaint is unchanged and the proposed amendments do not add or change any claims set forth in the original complaint.

II. SWBT'S ARGUMENT DOES NOT ADDRESS THE ISSUE OF "GOOD CAUSE" FOR AMENDING SPRINT'S COMPLAINT.

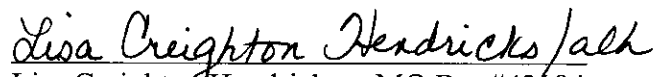
As stated in paragraph 4 of Sprint's Motion for Leave to File Amended Complaint, the "good cause" basis for requesting the amendments was to clarify the Commission's Complaint jurisdiction under Missouri statutes and the Commission's subject matter jurisdiction under Sections 251 and 252 of the Act. While paragraph 5 of the original Complaint does recite that the Interconnection Agreement was entered into pursuant to Section 252 (i) of the Act, the proposed amendments to the Complaint make clear that this Commission's jurisdiction to interpret and enforce interconnection agreement is based on specific statutory provisions of the Act.¹

Rather than address Sprint's proposed amendments, SWBT provides a truncated summary of arguments made previously in its Motion to Dismiss. Sprint demonstrated in its Response to SWBT's Motion to Dismiss that its claims are timely under the terms of the Interconnection

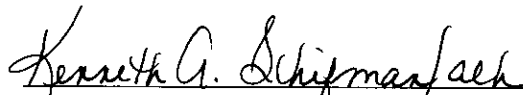
¹Southwestern Bell Tel. v. Connect Communications Corp., 225 F. 3d 942 (8th Cir. 2000).

Agreement and that the Commission has jurisdiction here. SWBT makes no showing that it would be prejudiced by the proposed amendments to Sprint's Complaint at this early stage of the proceeding. None of SWBT's arguments constitute grounds for denying Sprint's Motion for Leave to File Amended Complaint.

Respectfully submitted,
Sprint



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CERTIFICATE OF SERVICE

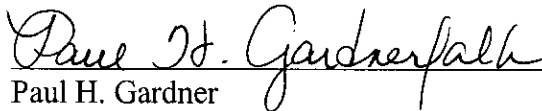
Copies of the foregoing were served on the following parties by first-class mail, the 5th day of December, 2002.

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