

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of Joint Application of Sprint)	
Communications Company, L.P. and STi Prepaid,)	<u>Case No. TO-2008-0413</u>
LLC for Authority to Transfer Certain Assets)	

ORDER DIRECTING FILING AND DENYING
MOTION FOR PROTECTIVE ORDER

Issue Date: July 18, 2008

Effective Date: July 18, 2008

On June 27, 2008, STi Prepaid, LLC and Sprint Communications Company, L.P. filed a joint application for authority to transfer to STi Prepaid, all of Sprints assets related to the provision of prepaid calling card services. The Commission shall set a time for any intervention in this matter to be filed. In addition, the Commission shall direct its Staff to file a recommendation or a status report indicting the earliest date on which it expects to file its recommendation.

On January 30, 2007, Commission Rule 4 CSR 240-2.135, concerning the handling of confidential information, went into effect, eliminating the need for the standard protective order the Commission had previously routinely issued. Specifically, 4 CSR 240-2.135(2)(A) provides "no order from the commission is necessary before a party in any case pending before the commission may designate material as proprietary or highly confidential and such information shall be protected as provided in this rule." STi Prepaid and Sprint are no doubt aware of this new rule, but are concerned about an older rule, 4 CSR 240-2.085(2), that states, "pleadings, testimony, or briefs shall not contain highly

confidential or proprietary information unless a protective order has been issued by the commission.”

The requirements of Commission Rule 4 CSR 240-2.085 are inconsistent with the requirements of Commission Rule 4 CSR 240-2.135, in that the older rule purports to require a party to file a pleading that is rendered unnecessary by the explicit language of the newer rule. Ultimately, the Commission will resolve this conflict by revising Commission Rule 4 CSR 240-2.085; but until that is accomplished, the Commission will waive application of that rule for this case. With that rule having been waived, STi Prepaid and Sprint’s motion for protective order is unnecessary and will be denied.

IT IS ORDERED THAT:

1. No party to this case shall be required to comply with the provisions of Commission Rule 4 CSR 240-2.085.
2. STi Prepaid, LLC and Sprint Communications Company, L.P.’s Joint Motion for Protective Order is denied.
3. The parties shall file a copy of the Asset Purchase Agreement no later than July 28, 2008.
4. Any proper person wishing to intervene in this matter shall file a request to do so no later than August 6, 2008, with:

Colleen M. Dale, Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

and send copies to:

Leland B. Curtis
Curtis, Heinz, Garrett & O'Keefe, P.C.
130 S. Bemiston, Suite 200
Clayton, Missouri 63105

Kenneth A. Schiffman
Sprint Spectrum L.P.
6450 Sprint Parkway
Overland Park, Kansas 66251

and:

Office of the Public Counsel
Post Office Box 2230
Jefferson City, Missouri 65102

5. The Staff of the Missouri Public Service Commission shall file either its recommendation or a status report stating when it expects to file its recommendation no later than August 18, 2008.

6. Any other response to the application shall be filed no later than August 18, 2008.

7. This order shall become effective on July 18, 2008.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Colleen M. Dale, Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 18th day of July, 2008.