

In Re: The Commercial Mobile Radio )  
Services Agreement By and Between Alltel )  
Communications, Inc. and Sprint Missouri, ) **Case No. \_\_\_\_\_**  
Inc. Under Sections 251 and 252 of the )  
Telecommunications Act of 1996 )

COMES NOW, Sprint Missouri, Inc., d/b/a Sprint ("Sprint"), and files its Application for Approval of a Commercial Mobile Radio Services Interconnection, Agreement ("CMRS Agreement" or "Agreement") between Sprint Missouri, Inc. d/b/a Sprint ("Sprint") and Alltel Communications, Inc. ("Alltel") under the Telecommunications Act of 1996 (the "Act"). In support of its application, Sprint states as follows:

Sprint is a Missouri corporation with offices at 319 Madison, Jefferson City, Missouri 65102. Sprint is authorized to transact business within the State of Missouri and is authorized by the Missouri Public Service Commission ("Commission") to provide basic local and interexchange telecommunications service within the state.

Sprint was originally incorporated in Missouri in 1929 as The United Telephone Company. A restatement of its certification was received in Case No. TA-88-87. Sprint has received all necessary Commission and Secretary of State approvals for subsequent name changes and is a corporation in good standing in the State of Missouri.

Evidence of proper name registrations was most recently provided to this Commission in Case No. TO-97-53 (Re: United Telephone Company of Missouri's Adoption Notice Designed to Change the Company's Name to United Telephone

Company of Missouri d/b/a Sprint) and Case No. TO-98-107 (Application of United Telephone Company of Missouri d/b/a Sprint for Approval of Name Change to Sprint Missouri, Inc.). Sprint requests that the information in those cases be incorporated herein by reference.

To Sprint's knowledge there are no overdue assessments or annual reports nor are there any pending actions or final unsatisfied judgments or decisions against it involving customer service or rates occurring within the last three years.

## **II. COMMERCIAL MOBILE RADIO SERVICES AGREEMENT**

Sprint presents to the Commission its application pursuant to the terms of the Act. The parties entered into a Commercial Mobile Radio Services Agreement dated September 1, 2004 between Sprint Missouri, Inc. and Alltel Communications, Inc. There are no outstanding issues related the Agreement between the parties which require the assistance of mediation or arbitration.

## **III. STANDARD FOR REVIEW**

The statutory standard of review under Section 252(e) of the Act states:

- (e) Approval by State Commission
  - (1) Approval Required. Any interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the state commission. A State commission to which an agreement is submitted to shall approve or reject the agreement, with written findings as to any deficiencies.
  - (2) under subsection (a) if it finds Grounds for Rejection. The State commission may only reject.
    - (A) an agreement (or any portion thereof) adopted by negotiation that-
      - (i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement, or

- (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity; or...

Applicant further states that the Agreement is consistent with the public interest, convenience and necessity in that it allows for full and fair competition and greater choice for the consumer. The Applicant further states that the Agreement does not discriminate against other carriers not a party to the Agreement as the terms of the Agreement are equally available to any other carrier.

#### **IV. REQUEST FOR APPROVAL**

Sprint seeks the Commission's approval of the Agreement, consistent with the provisions of the Act. Both parties believe that the implementation of the Agreement complies fully with Section 252(e) of the Act because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. The Agreement promotes diversity in providers, provides interconnectivity, and increases customer choices for telecommunications services.

Sprint and Alltel respectfully request that the Commission grant approval of this Agreement, without change, suspension or other delay in its implementation.

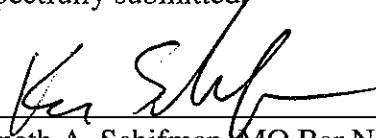
#### **V. MISSOURI LEGISLATION**

The negotiated and executed Agreement is consistent with the Missouri Legislation, Senate Bill No. 507, which became effective on August 28, 1996.

#### **VI. CONCLUSION**

WHEREFORE, for the foregoing reasons, Applicant prays that the Commission approve the Agreement between Sprint Missouri, Inc., and Alltel Communications, Inc., expeditiously.

Respectfully submitted

  
Kenneth A. Schiffman, MO Bar No. 42287  
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**VERIFICATION**

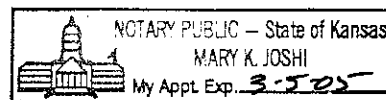
I, Kenneth A. Schiffman, an attorney for Sprint Missouri, Inc. hereby verify and affirm that I have read the foregoing Application of Sprint Missouri, Inc. for approval of a Commercial Mobile Radio Services Agreement, and that the statements contained therein are true and correct to the best of my information and belief.

  
Kenneth A. Schiffman

Subscribed and sworn to before me on this 8<sup>th</sup> day of October, 2004.

  
Notary Public

My Commission Expires: March 5, 2005



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 8<sup>th</sup> day of October, 2004, a copy of the above and foregoing Application and any attachments were served by U.S. Mail, postage prepaid to each of the following:

Office of the Public Counsel  
Missouri Public Service Commission  
200 Madison Street  
Jefferson City, MO 65101

Director of Negotiations  
Alltel  
1 Allied Drive  
Mailstop B5F04-D  
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Missouri Public Service Commission  
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