

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

Sprint Communications Company L.P.,)	
)	
Complainant,)	
)	
vs.)	Case No. TC-2002-1104
)	
Southwestern Bell Telephone Company,)	
)	
Respondent.)	

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

COMES NOW Southwestern Bell Telephone, L.P., d/b/a Southwestern Bell Telephone Company (SWBT), and for its Response to Sprint’s Motion for Leave to File Amended Complaint, states to the Missouri Public Service Commission (Commission) as follows:

1. In its Motion, Sprint seeks leave from the Commission to file an Amended Complaint in this case. Sprint states that it seeks to amend its Complaint:

for the purpose of clarifying the Commission’s Complaint jurisdiction and that the Commission’s jurisdiction over the subject matter of this Complaint is also based on Sections 251 and 252 of the Telecommunications Act of 1996. 47 U.S.C. §251 and 252.¹

2. In its Motion, Sprint claims that its proposed amendments to its Complaint “do not change or add to the substantive allegations of the Complaint.”² A review of Sprint’s proposed amendments, however, reveals that these amendments do change and add to the substantive allegations contained in Sprint’s original Complaint. For example, in the very first

¹ Motion, par. 4.

² Motion, par. 5.

paragraph of Sprint's proposed Amended Complaint, Sprint has changed its claim from "SWBT has not applied the correct rates" to "SWBT has not applied just and reasonable rates." Furthermore, 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. Clearly, these types of changes are "substantive."


3. If the Commission grants Sprint's Motion for Leave to file Amended Complaint, SWBT will address the deficiencies in Sprint's Amended Complaint in its responsive pleading. Suffice to say, however, that Sprint's proposed Amended Complaint, like its original Complaint, has no merit, is time-barred, and clearly seeks relief outside of the jurisdiction of the Commission.

4. Despite its claim to the contrary, Sprint has made no showing of "good cause" for the Commission to grant it leave to file an Amended Complaint. The SWBT/Sprint interconnection agreement, on which Sprint claims to base its Complaint, was approved by the Commission in September, 1998. Sprint began requesting collocation, on an ICB basis as required by the Commission and the SWBT/Sprint interconnection agreement, in October, 1998. There is simply no excuse for Sprint waiting well over 3 years to file its original Complaint, and there has certainly been no "good cause" shown by Sprint for the Commission to permit Sprint to amend its untimely original Complaint, over 4 years after Sprint began requesting ICB collocation arrangements in Missouri.

WHEREFORE, SWBT respectfully requests the Commission deny Sprint's Motion for
Leave to File Amended Complaint and dismiss Sprint's original Complaint.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE, L.P.

By: 
PAUL G. LANE #27011
LEO J. BUB #34326
ANTHONY K. CONROY #35199
MIMI B. MACDONALD #37606

Attorneys for Southwestern Bell Telephone, L.P.

One SBC Center, Room 3516

St. Louis, Missouri 63101

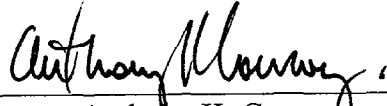
314-235-6060 (Telephone)

314-247-0014 (Facsimile)

anthony.conroy@sbc.com

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing document were served on the following counsel by electronic mail on November 25, 2002.



Anthony K. Conroy

BRUCE BATES
MISSOURI PUBLIC SERVICE COMMISSION
P. O. BOX 360
JEFFERSON CITY, MO 65102-0360

JOHN COFFMAN
OFFICE OF THE PUBLIC COUNSEL
P. O. BOX 7800
JEFFERSON CITY, MO 65102

KEN SCHIFMAN
6450 SPRINT PARKWAY
KSOPHN0212-2A303
OVERLAND PARK, KS 66251