# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of	)	
Sprint Missouri, Inc., for Competitive	)	Case No. IO-2006-0092
Classification Under Section 392.245.5	)	
RSMo 2005.	)	

# FIDELITY COMMUNICATION SERVICES I, INC.'S <u>APPLICATION TO INTERVENE</u>

COMES NOW Fidelity Communication Services I, Inc. ("Fidelity"), by its undersigned counsel, and, pursuant to § 386.420 RSMo 2004 and 4 CSR 240-2.075, respectfully requests that the Missouri Public Service Commission ("Commission") grant it the right to intervene in the above-captioned proceeding. In support of this Application, Fidelity states as follows:

- 1. On August 30, 2005, Sprint Missouri, Inc. ("Sprint") filed an application requesting competitive classification for certain of its services in certain of its exchanges pursuant to § 392.245.5 RSMo 2005.
- 2. On September 2, 2005, the Commission issued its Order Directing Notice,
  Establishing Procedural Schedule, Reserving Hearing Date, and Granting Protective Order,
  among other things, directing parties who wish to intervene to file an application by September
  7, 2005.

#### **IDENTITY OF APPLICANT**

3. Fidelity is a corporation organized and existing under the laws of the state of Missouri, with its principal place of business located at 64 North Clark, Sullivan, Missouri 63080. Fidelity is a "local exchange telecommunications company," "interexchange telecommunications company" and a "public utility," and is duly authorized to provide "telecommunications service" within the State of Missouri as each of those phrases are defined in § 386.020 RSMo 2004.

4. All correspondence, pleadings, orders, decisions and communications regarding this proceeding should be sent to:

Sheldon K. Stock Greensfelder, Hemker & Gale, P.C. 10 South Broadway, Suite 2000 St. Louis, Missouri 63102-1774 sks@greensfelder.com

Jason L. Ross Greensfelder, Hemker & Gale, P.C. 10 South Broadway, Suite 2000 St. Louis, Missouri 63102-1774 jlr@greensfelder.com

5. Fidelity is certified to provide basic local exchange telecommunication services and interexchange telecommunication services in one or more exchanges in which Sprint seeks competitive classification for certain of its services.

#### <u>APPLICANT'S INTEREST AND POSITION IN PROCEEDING</u>

- 6. Fidelity seeks to intervene in this proceeding, because it has a direct and pecuniary interest in the Commission's decision to grant or deny Sprint's request for competitive classification.
- 7. Fidelity's interests as local exchange and interexchange telecommunications service provider differ from those of the general public. No other party to this proceeding will adequately protect Fidelity's interests.
- 8. Granting of this intervention will be in the public interest because Fidelity will bring to this proceeding its expertise and experience as telecommunications providers, and will aid the Commission in resolving the issues raised herein.
- 9. Because there is insufficient information currently available, Fidelity is uncertain, at this time, of the position it will take in this proceeding, including specifically whether it will object to Sprint's application, but, in any event, Fidelity requests strict proof by Sprint of all requirements set forth in § 392.245.5 RSMo 2005, and any and all other requirements for

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competitive classification. Fidelity reserves its right to state its position and participate with regard to any matter or issue arising in this proceeding, including without limitation its right to object to the applicability, enforceability or constitutionality of § 392.245.5 RSMo 2005.

WHEREFORE, Fidelity Communication Services I, Inc., respectfully requests that the Commission grant this Application to Intervene.

Respectfully submitted,

## GREENSFELDER, HEMKER & GALE, P.C.

By: /s/ Jason L. Ross

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Attorneys for Fidelity Communication Services I, Inc.

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### **CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing document has been emailed, hand-delivered or mailed, postage prepaid, this  $7^{th}$  day of September, 2005, to:

Office of the Public Counsel P.O. Box 2230 Jefferson City, Missouri 65102-2230

Office of the General Counsel Missouri Public Service Commission P.O. Box 360 Jefferson City, Missouri 65102

Brett D. Leopold, Esq. Sprint Missouri, Inc. 6450 Sprint Parkway KSOPHN0212-2A353 Overland Park, Kansas 66251

/s/ Jason L. Ross\_\_\_

Jason L. Ross

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