

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

Staff of the Public Service Commission,    )  
Of the State of Missouri,                    )  
  )  
  Complainant,    )  
  )  
v.    )  
  )  
Sprint Communications Company , L.P.,    )  
  )  
  Respondent.    )

**Case No. TC-2007-0415**

**ANSWER, MOTION TO DISMISS AND IN THE ALTERNATIVE REQUEST  
FOR WAIVER OF SPRINT COMMUNICATIONS COMPANY L.P.**

COMES NOW Sprint Communications Company L.P., d/b/a Sprint ("Sprint") and files its Answer, Motion to Dismiss and in the alternative Request for Waiver to the Complaint filed by the Staff of the Missouri Public Service Commission on April 23, 2007 ("Complaint") with the Missouri Public Service Commission. In an Order dated May 22, 2007, the Commission granted Sprint's request to respond to the Complaint no later than June 25, 2007. Sprint responds to the Complaint as follows:

1. Sprint admits that the language in paragraph 1 of the Complaint appears in Section 386.390.1. Sprint denies all other allegations contained in paragraph 1.
2. Sprint admits that the language quoted is contained in Commission Rule 4 CSR 240-2.070(1). Sprint denies all other allegations contained in paragraph 2.
3. Sprint admits the allegations in paragraphs 3 through 5.

4. Regarding the allegations in paragraph 6, Sprint admits that it is offering basic local telecommunications services on a retail basis in certain AT&T Missouri exchanges. Sprint denies all other allegations in paragraph 6.
5. Sprint admits that the language contained in paragraph 7 appears in the cited rule. Sprint denies all other allegations in paragraph 7.
6. In response to the allegations contained in paragraph 8, Sprint admits that it filed quality of service reports for 2006 on April 3, 2007. Further answering the allegations in paragraph 8, Sprint provided updated quality of service reports on May 24, 2007 to the Missouri Staff. The updated reports included all of the reports for 2006 and the first quarter report for 2007. The updated reports also include information that addresses several of the questions posed by Staff to the reports submitted on April 3, 2007. After further investigation, Sprint has determined that it can provide Missouri specific information on a going forward basis for the categories of "Installation Commitments" and "Held Service Orders". Sprint denies all other allegations in paragraph 8.
7. Sprint denies the allegations contained in paragraph 9.
8. In response to the allegations contained in paragraphs 10, 11 and 12, Sprint admits that the quoted language appears in the cited Missouri statutes. Sprint denies all other allegations in paragraphs 10, 11 and 12.
9. In response to the allegations contained in paragraph 13, the language from the cited case speaks for itself and requires no response. Sprint denies all of the remaining allegations in paragraph 13 including all of the requests for relief following the "WHEREFORE" clause.

## **AFFIRMATIVE DEFENSES AND MOTION TO DISMISS**

1. The Complaint fails to state a claim upon which relief can be granted. Sprint has filed the requested reports for 2006 and the first quarter of 2007 and complies with the Commission's service quality reporting rules including 4 CSR 240-3.550. As such, Sprint has filed the required reports and complies with the requirements of 4 CSR 240-3.550.
2. The Complaint fails to state a claim upon which relief can be granted as it violates the requirement in 4 CSR 240-2.070(5)(E) that the complaint contain a statement as to whether the complainant has directly contacted the person, corporation, or public utility about which complaint is being made. No statement regarding directly contacting Sprint is contained in the complaint. The Complaint must be dismissed for failure to comply with 4 CSR 240-2.070(5)(E).
3. It is not technically feasible for Sprint to collect certain categories of the data requested in the reports on a Missouri specific basis. Sprint contends that the service quality reports it submitted on May 24, 2007 complies with the applicable Missouri rules. To the extent that Staff contends that the reports do not comply with the rule due to the submission of reports that contain nationwide data, Sprint relies upon the technical feasibility exception contained in 4 CSR 240-32.080(1) where the Commission's rules acknowledge that a "company may find it is not technically feasible to collect data for some categories." Sprint's systems do not measure many of the service quality objectives on a Missouri specific basis. After further investigation though, Sprint has determined that it can provide Missouri specific information on a going forward basis for the categories of "Installation Commitments" and "Held Service Orders". Sprint has very

few basic local exchange service customers in Missouri and is not accepting new customers as it is deemphasizing that product offering. While Sprint is committed to serving its remaining customers in Missouri for this service, it is not technically feasible to invest in the back-office systems, program hours and staff to produce service quality reports that track the data on a Missouri specific basis for additional categories.

### **REQUEST FOR WAIVER**

1. If it is determined that Sprint has not complied with the service quality reporting rules (which Sprint disputes), Sprint requests that the Commission grant it a waiver from 4 CSR 240-3.550 pursuant to 4 CSR 240-2.015. That rule states that “[a] rule in this chapter may be waived by the commission for good cause.” Good cause exists for the commission to waive enforcement of rule 4 CSR 240-3.550 upon Sprint. Sprint’s systems do not measure many of the service quality objectives on a Missouri specific basis. After further investigation though, Sprint has determined that it can provide Missouri specific information on a going forward basis for the categories of “Installation Commitments” and “Held Service Orders”. Sprint has very few basic local exchange service customers in Missouri and is not accepting new customers as it is deemphasizing that product offering. While Sprint is committed to serving its remaining customers in Missouri for this service, it is not feasible to invest in the back-office systems, program hours and staff to produce service quality reports that track the data on Missouri specific basis for additional categories. Investment in the resources to comply with the rule is cost prohibitive in an environment where Sprint is servicing very few customers and does not intend to add any new basic local exchange service customers on a retail basis.

Therefore, good cause exists for the Commission to waive the enforcement of 4 CSR 240-3.550.

WHEREFORE Sprint has fully answered the Complaint and respectfully requests:

- (a) the Commission to dismiss the Complaint for the reasons provided above for failure to state a claim upon which relief can be granted;
- (b) or, in the alternative for good cause shown, the Commission should waive the enforcement of 4 CSR 240-3.550 pursuant to 4 CSR 240-2.015; and
- (c) that it be granted any additional relief deemed reasonable by the Commission.

Respectfully submitted on June 22, 2007.



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### CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 22<sup>nd</sup> day of June, 2007, a copy of the above and foregoing Answer, Motion to Dismiss and in the Alternative Request for Waiver of Sprint Communications Company L.P., was served via U.S. Mail, postage paid and or email/facsimile to each of the following parties:

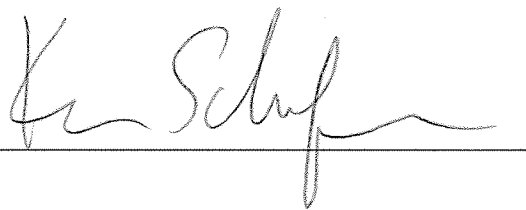
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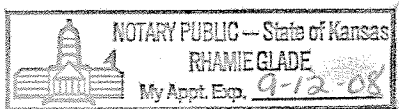
## VERIFICATION

I, Kenneth Schiffman, an attorney and duly authorized representative of Sprint hereby verify and affirm that I have read the foregoing Answer, and verify that the statements contained therein are true and correct to the best of my information and belief.

Ken Schiffman

Kenneth Schiffman

Subscribed and sworn to before me on this 22<sup>nd</sup> day of June, 2007.



Rhame Glade

Notary Public

My Appointment Expires: 9-12-08