

**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 REPLY**

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

1. In its Reply, Sprint claims that the amendments it seeks to make to its original Complaint in this case are not "substantive." Whether Sprint wants to call its revisions to the jurisdictional basis under which Sprint argues the Commission has authority to entertain its Complaint "substantive" or "jurisdictional" is irrelevant. As SBC Missouri established in its Motion to Dismiss Sprint's original Complaint, the Commission does not have jurisdiction to entertain Sprint's claim for damages under its interconnection agreement with SBC Missouri. The federal Telecommunications Act of 1996 did not change that fact. SBC believes that Sprint's attempt to change the jurisdictional basis of its Complaint to avoid this jurisdictional defect is a "substantive" change. Even if it is a "jurisdictional" change, however, that distinction has no difference

in this situation. The Commission doesn't have jurisdiction to hear Sprint's original Complaint or its proposed amended Complaint.


2. In its Reply, Sprint also claims that SBC Missouri did not address the issue of "good cause" for amending Sprint's Complaint. To the contrary, it is Sprint that has the burden of establishing "good cause" to amend its Complaint, and SWBT pointed out that Sprint has asserted no facts to establish good cause. Sprint appears to confuse "good cause" with "let's try this angle to get around the jurisdictional defect." The Commission should not let Sprint amend its Complaint just because SBC Missouri has established that the Commission does not have jurisdiction to grant the relief requested by Sprint, yet that is exactly what Sprint is asking the Commission to do. If Sprint cannot establish good cause to amend its Complaint, and it clearly has not yet done so, the Commission should not grant Sprint's motion for leave to file an amended Complaint.

3. Finally, Sprint argues that SBC Missouri has not addressed its proposed amendments to its Complaint. If the Commission grants Sprint's motion for leave to file an amended Complaint, and permits Sprint to take another shot at establishing the Commission's jurisdiction in this case, SBC Missouri will respond to Sprint's amended Complaint. SBC Missouri will once again establish that the Commission has no jurisdiction to entertain Sprint's amended Complaint, and that Sprint's Complaint is untimely as a matter of law, much less devoid of any factual merit.

WHEREFORE, SBC Missouri respectfully requests the Commission deny Sprint's Motion for Leave to File Amended Complaint and dismiss Sprint's Complaint in its entirety.

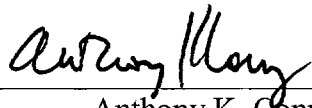
Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE, L.P.

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing document were served on the following counsel by electronic mail on December 16, 2002.


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