

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of the Adoption of)
an Interconnection Agreement with) Cause No. CO-2005-0039
Sprint Missouri, Inc., by Socket)
Telecom, LLC.)

**REPLY OF SOCKET TELECOM, LLC TO
STAFF'S RESPONSE REGARDING APPLICATION AND MOTION FOR
REHEARING OF SPRINT MISSOURI**

COMES NOW Socket Telecom, LLC (“Socket”) and, pursuant to 4 CSR 240-2.080(15) and for its Reply to the Staff Response regarding the Application and Motion for Rehearing filed by Sprint Missouri, Inc. (“Sprint”) states to the Commission:

1. After reviewing Staff's Response, Socket stands by its own Response.
2. Staff's Response boils down to its statement that it is unwilling to rely upon what it deems to be an unclear portion of the FCC's Order to support Socket's right to adopt the Sprint -Level 3 ICA. But it is improper to ignore provisions of the FCC's Order. The FCC's Order must be read as a whole, and in so doing it is clear that there is no basis to grant rehearing or otherwise change the prior approval of Socket's adoption of the ICA.
3. Moreover, it appears that Staff has not thus far acted consistently on this issue even after publication of the FCC's Interim Rule. For example, on or about September 27, 2004 ExOp filed an adoption of the M2A (Commission Tracking No. BM2-2005-0055). To Socket's knowledge, Staff has not opposed that adoption and it has gone into effect.

4. The FCC recently determined that CLECs can only adopt entire agreements. See Second Report and Order, CC Docket No. 01-338 (Released July 13, 2004). In the FCC Order that is that subject of the current argument in this proceeding the FCC indicated that new carriers cannot adopt certain "contract provisions". Hence, even if Socket were a new carrier (and it is not), it would be proper to allow it to adopt the Sprint - Level 3 ICA in its entirety and then the parties to that agreement would have to sort out the impact of the FCC's Order under the change in law provisions of the ICA.

5. As explained in Socket's Response, it is not a new carrier and it has not sought to expand its contractual rights. Accordingly, its adoption of the Sprint - Level 3 ICA does not implicate the restrictions set forth in the FCC's Order.

WHEREFORE, Socket requests that the Commission deny Sprint's Application and Motion for Rehearing.

Respectfully submitted,

CURTIS, HEINZ,
GARRETT & O'KEEFE, P.C.

/s/ Carl J. Lumley

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Certificate of Service

A true and correct copy of the foregoing document was mailed this 6th day of October, 2004, by placing same in the U.S. Mail, postage paid to:

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