

Lisa Creighton Hendricks Senior Attorney

Legal and External Affairs 5454 West 110th Street Overland Park, KS 66211 Voice 913 345 7918 Fax 913 345 7754 lisa.c.creightonhendricks@mail.sprint.com

March 4, 2002

FILED³

The Honorable Dale Hardy Roberts Secretary/Chief Regulatory Law Judge Missouri Public Service Commission 200 Madison Street, Suite 650 P. O. Box 360 Jefferson City, MO 65102

MAR 0 4 2002

Missouri Public Service Commission

In The Matter of the Mid-Missouri Group's Filing to Revise its Access Services Re: Tariff, P.S.C. Mo. No. 2 Case No. TT-99-428, et al.

Dear Judge Roberts:

Please accept for filing, an original and eight (8) copies of Sprint Spectrum L.P. d/b/a Sprint PCS Response to the Small Company Group's Reply to AT&T and Staff's Responses in the above-captioned matter.

If you have any questions or comments, please do not hesitate to call me at 913-345-7918.

Very truly yours,

Very truis yours, Very truis yours, Lisa Creighton Hendricks Joan Bargnupe

/vw Attachment cc: All Parties of Record

BEFORE THE PUBLIC SERVICE COMMISSION STATE OF MISSOURI

)

)

MAR 0 4 2002

Missouri Public Service Commission

In the Matter of the Mid-Missouri	
Group's Filing to Revise its Access	
Services Tariff, P.S.C. Mo. No. 2	

Case No. TT-99-428 et al.

SPRINT SPECTRUM L.P. d/b/a SPRINT PCS RESPONSE TO THE SMALL COMPANY GROUP'S REPLY TO AT&T <u>AND STAFF'S RESPONSES</u>

COMES now Sprint Spectrum L.P. d/b/a Sprint PCS ("Sprint PCS") and in response to The Small Company Group's (TSCG's) Reply to AT&T and Staff's Responses states as follows:

1. In this response, Sprint PCS will address TSCG's allegations contained in the first paragraph of its reply pertaining to Sprint PCS's civil action against AT&T that is currently pending in front of the FCC and the Commission's earlier decisions relating to intra-carrier compensation.

2. Sprint PCS' civil action is entirely different and irrelevant to the decision the Commission has been asked to make in this case. Sprint PCS' civil action addresses the question of what charges apply to access services for long distance telecommunications. This case addresses the question of what charges apply to the termination of local traffic. The FCC has ruled that "as a legal matter, transport and termination of local traffic are different services than access

service for long distance communications."¹ Thus, the fact that Sprint PCS has a pending matter seeking compensation for the termination of long distance calls has no bearing and no relevance to this action.

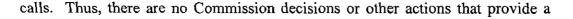
3. In their pleadings, TSCG cited several older Missouri Commission cases to bolster their argument that this Commission should rehear this case and allow access charges to apply to intraMTA local calls. None of these cases, however, would support such an outcome, particularly in view of the FCC's ruling that intraMTA calls are local. First, all the older cases cited address the delivery of traffic *before* the FCC ruled that intraMTA traffic was local. Further, none of these cases can override the FCC's ruling that prohibits Petitioners from imposing access charges for wireless traffic that originates and terminates within an MTA. As the FCC stated:

In light of the Commission's exclusive authority to define the authorized license areas of wireless carriers, we will define the local service area for calls to or from a CMRS network for the purpose of applying reciprocal compensation obligations under section 251(b)(5) * * * Accordingly, traffic to or from a CMRS network that originates and terminates within the same MTA is subject to transport and termination rates under Section 251(b)(5) rather than interstate and intrastate access charges.²

Clearly, this Commission cannot ignore nor can it undermine the FCC's exclusive authority to define local calling scopes for wireless providers and the FCC's ruling that intrastate and interstate access charges do not apply to local intraMTA

¹ In the Matter of Implementation of Local Competition Provisions in the Telecommunications Act of 1996; Interconnection between Local Exchange Carriers and Mobile radio Service Providers, CC Docket No. 96-325, First Report and order, rel. Aug. 1, 1996 ("First Report and Order") at ¶1033. See also, MITG's Reply to Motions to Dismiss, Answers, and Affirmative Defenses Filed by Respondents at page 14.

² First Report and Order at ¶1036 (emphasis added).



ground for the Commission to conduct a Rehearing in this case.

WHEREFORE, Sprint PCS reiterates the earlier arguments made in its filing with AT&T.

Respectfully submitted, SPRINT SPECTRUM, L.P. d/b/a SPRINT PCS

harles W. McKee MBN 39710

Charles W. McKee MBN 39716 Sprint Spectrum, L.P. 6160 Sprint Parkway, 4th Floor Overland Park, KS 66251 Telephone: (913) 762-7720 Facsimile: (913) 762-0913 Attorney For Sprint Spectrum L.P. d/b/a Sprint PCS

CERTIFICATE OF SERVICE

I HEREBY certify that a copy of the above document was delivered to each of the following named parties via U. S. Mail, postage prepaid on this 4^{th} day of March, 2002.

à Creiziton Denducks ling & Lisa Creighton Hendricks

Mike Danđino Office of Public Counsel P.O. Box 7800 Jefferson City, MO 65102

×.

.4

Leo Bub Soiuwestern Bell Telephone Company One Bell Center, Room 3518 St. Louis, MO 63101

Larry Dority Fischer and Dority P.C. 101 Madison Street, Suite 400 Jefferson City, MO 65101

Thomas Pulliam Ottsen, Mauze, Leggat & Belz, L.C. 112 S. Hanley St. Louis, MO 63105

W.R. England, III/Brian T. MCCartney Brydon, Swearengen & England 312 East Capitol Avenue, Box 456 Jefferson City, MO 65102-0456 Marc Poston Missouri Public Service Commission P.O. Box 360 Jefferson City, MO 65102

Paul S. DeFord Lathrop and Gage 2345 Grand Blvd. Kansas City, MO 64108

Joseph Murphy Meyer Capel P.C. 306 W. Church Street Champaign, IL 61820

Craig Johnson Andereck, Evans, Milne, Peace & Johnson 700 E. Capitol Ave.- Box 1438 Jefferson City, MO 65102