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March 4, 2002

**FILED<sup>3</sup>**

**MAR 04 2002**

**Missouri Public  
Service Commission**

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

Re: 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.

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,

*Lisa Creighton Hendricks*  
Lisa Creighton Hendricks

*G. Davis Bergmeyer*

/vw  
Attachment  
cc: All Parties of Record

MAR 04 2002

Missouri Public  
Service Commission

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

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

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

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service for long distance communications.”<sup>1</sup> 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.*<sup>2</sup>

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

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<sup>1</sup> *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.

<sup>2</sup> First Report and Order at ¶1036 (emphasis added).

calls. Thus, there are no Commission decisions or other actions that provide a 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

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**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<sup>th</sup> day of March, 2002.

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