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Robert W. Hedrick
1918-1988

October 3, 2002

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street
Jefferson City, MO 65101

FILED⁴

OCT 03 2002

**Missouri Public
Service Commission**

Re: TC-2003-0066

Dear Mr. Roberts:

Enclosed for filing please find an original and eight copies of MOTION OF RESPONDENT SPRINT MISSOURI TO DISMISS AND STRIKE COMPLAINT ALLEGATIONS and ANSWER OF SPRINT MISSOURI, INC. in the above referenced case.

Sincerely,



Paul H. Gardner

PHG/alh
Enclosure(s)

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

Tari Christ, d/b/a ANJ Communications; Bev Coleman,)
An individual; Commercial Communications Services,)
L.L.C.; Community Payphones, Inc.; Coyote Call, Inc.;)
William J. Crews, d/b/a Bell-Tone Enterprises;)
Illinois Payphone Systems, Inc.; Jerry Myers, d/b/a)
Jerry Myers Phone Co.; John Ryan, an Individual;)
JOLTRAN Communications Corp.; Bob Lindeman,)
d/b/a Lindeman Communications; Monica T. Herman,)
d/b/a M L. Phones; Midwest Communications)
Solutions, Inc.; Mark B. Langworthy, d/b/a Midwest)
Telephone; Missouri Public Pay Phone Corp.;)
Missouri Telephone & Telegraph, Inc.; Pay Phone)
Concepts, Inc.; Toni M. Tolley, d/b/a Payphones of)
America North; Jerry Perry, an Individual; PhoneTel)
Technologies, Inc.; Sunset Enterprises, Inc.;)
Teletrust, Inc.; Tel Pro, Inc.; Vision Communications,)
Incorporated, and Gale Wachsnicht, d/b/a)
Wavelength, LTD.,)

Complainants,)

v.)

Southwestern Bell Telephone Company, L.P.,)
d/b/a Southwestern Bell Telephone Company;)
Sprint Missouri, Inc., d/b/a Verizon Midwest,)

Respondents.)

FILED⁴

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Missouri Public
Service Commission

Case No. TC-2003-0066

ANSWER OF SPRINT MISSOURI, INC.

COMES NOW, Sprint Missouri, Inc. d/b/a Sprint ("Sprint") and hereby answers the
Complaint as follows:

NATURE OF THE COMPLAINT

Sprint denies that the FCC has issued an order with respect to the costing standard that must be met by Sprint. Sprint is not a Regional Bell Operating Company as that term is defined by the FCC and thus the assertions made by complainants as they relate to compliance with the nonstructural safeguards ordered by the FCC to promote competition in the payphone industry are not applicable to Sprint. Further, Sprint denies that its rates for service provided to independent payphone providers are unlawful and excessive in violation of the laws of the State of Missouri.

THE PARTIES

1.-27. Sprint is without sufficient information with which to admit or deny the allegations contained in paragraphs 1 through 27 and therefore denies the same.

28. Sprint admits that Southwestern Bell Telephone Company (SWBT) is a local exchange telecommunications company and a public utility. Further, Sprint admits that SWBT provides regulated intrastate telecommunications services within its Missouri service area, and that SWBT is subject to the Commission's jurisdiction. Sprint is without sufficient knowledge and information to admit or deny the remaining allegations of paragraph 28, and therefore denies them.

29. Sprint admits that it is a local exchange telecommunications company and is a public utility. Further Sprint admits that it provides regulated intrastate telecommunications services within its Missouri service area, including local exchange telecommunications services to pay phone providers in the State of Missouri. Finally, Sprint admits that it is subject to the Commission's jurisdiction. Sprint is without sufficient information or knowledge to admit or deny whether or not it competes with Complainants and Sprint denies that Complainants have identified the correct registered address.

30. Sprint is without sufficient information to admit or deny the allegations of paragraph

30.

31. Sprint is unaware of any contact made by Complainants or delegations of several complainants, and therefore denies the allegations of paragraph 31.

32. Paragraph 32 is merely a quote of a statutory revision to which no response is required.

THE FCA AND THE PAYPHONE ORDERS

33. Paragraph 33 is a quote of a Federal law to which no response is required.

34. In response to paragraph 34, Sprint states that the cited orders speak for themselves, and therefore no response is required.

35. In response to paragraph 35, Sprint states that the cited orders speak for themselves, and therefore no response is required.

36. In response to paragraph 36, Sprint states that the cited orders speak for themselves, and therefore no response is required.

37. In response to paragraph 37, Sprint states that the cited orders speak for themselves, and therefore no response is required.

38. Sprint denies that under the FCC pay phone order it is required to file tariffs with the Missouri Public Service Commission as it is not a Bell Operating Company.

39. Sprint denies that it is governed by the FCC order as it is not a Bell Operating Company. Further, to the extent that paragraph 39 quotes FCC orders, the orders speak for themselves and therefore no response is required.

40. In response to paragraph 40, Sprint states that the FCC orders speak for themselves, therefore no reply is necessary.

41. Sprint denies that the FCC held that states must apply the New Services Test pricing

requirements to non-Bell Operating Companies. Further, Sprint denies that the New Services Test must be met in order to satisfy the just and reasonable requirements under Missouri law.

42. In response to paragraph 42, Sprint states that the FCC order speaks for itself as far as what is required by the New Services Test and therefore no response is required.

43. In response to paragraph 43, Sprint states that the FCC order speaks for itself as far as what is required by the New Services Test and therefore no response is required.

44. In response to paragraph 44, Sprint states that the FCC order speaks for itself as far as what is required by the New Services Test and therefore no response is required.

COUNT I - SWBT

45. Sprint incorporates its responses above to paragraphs 1 through 44.

46. – 51. Sprint is without sufficient information and knowledge to admit or deny the allegations in paragraphs 46 through 51 and therefore denies them.

COUNT II – SPRINT

52. Sprint incorporates its responses to paragraphs 1 through 44 above.

53. Sprint admits that paragraph 53 contains the charges it assesses for the identified network services provided to payphone providers.

54. Sprint denies the allegations of paragraph 54.

55. Sprint denies that the Commission has not conducted any examination or investigation of the expenses associated with Sprint's payphone operations. Further, this Commission has specifically found that Sprint's rates are in compliance with "the FCC directives" and were approved by the Commission in Case No. TT-97-421. But Sprint denies the remaining allegations of paragraph 55.

56. Sprint denies that the Commission has not conducted any examination or

investigation of the expenses associated with Sprint's payphone operations. Further, this Commission has specifically found that Sprint's rates are in compliance with "the FCC directives" and were approved by the Commission in Case No. TT-97-421. But Sprint denies the remaining allegations of paragraph 56.

57. Sprint denies that the Commission has not conducted any examination or investigation of the expenses associated with Sprint's payphone operations. Further, this Commission has specifically found that Sprint's rates are in compliance with "the FCC directives" and were approved by the Commission in Case No. TT-97-421. But Sprint denies the remaining allegations of paragraph 57.

58. In response to paragraph 58, Sprint states that the Commission has approved its tariff after evaluating whether or not it complies with the FCC directives. Further, Sprint states that it is not a Bell Operating Company that was required to comply with the FCC directives. Further, complainants are not entitled to retroactive rate making. Sprint denies the remaining allegations of paragraph 58.

COUNT III - VERIZON

59. Sprint incorporates its responses to paragraphs 1 through 44 above.

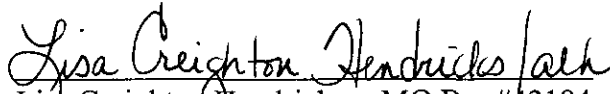
60. – 65. Sprint is without knowledge and information sufficient to admit or deny the allegations of paragraphs 60 through 65, and therefore denies them.

AFFIRMATIVE DEFENSES

1. Sprint restates for the reasons set forth in its Motion to Dismiss that the Complaint should be dismissed or stricken, in whole or in part, for failure to state a claim on which relief can be granted.

Respectfully submitted,

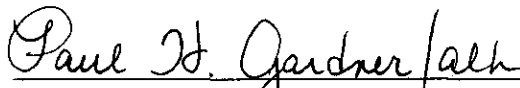
SPRINT MISSOURI, INC. d/b/a SPRINT



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was mailed via U.S. Mail, postage prepaid, this 3rd day of October, 2002 to:

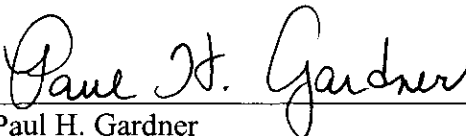
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