

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the)
Request of Sprint Nextel Corporation for) DOCKET NO. UT-051291
an Order Declining to Assert Jurisdiction)
Over or, in the Alternative, Application of) SPRINT ANSWER TO PUBLIC
Sprint Nextel Corporation for Approval of) COUNSEL'S MOTION FOR
the Transfer of Control of United) RECONSIDERATION OF ORDER NO.
Telephone Company of the Northwest and) 4 DENYING PUBLIC COUNSEL'S
Sprint Long Distance, Inc. From Sprint) MOTION FOR LEAVE TO FILE
Nextel Corporation to LTD Holding) CROSS-REBUTTAL TESTIMONY
Company.)
_____)

1. Sprint Nextel Corporation, United Telephone Company of the Northwest d/b/a Sprint, and Sprint Long Distance (collectively "Sprint" or the "Company") provide the following answer to the Public Counsel Section of the Washington State Attorney General's Office ("Public Counsel") motion for reconsideration of Order No. 4 denying Public Counsel's motion for leave to file cross-rebuttal testimony ("Reconsideration Motion"). The Commission should deny the motion.

2. Sprint can agree with Public Counsel on one point: "rate-rebalancing is not a standard issue in a transfer of control case" and "[t]he logical nexus between the Company's petition and Staff's proposal remains to be established."¹ Sprint has maintained from the outset of this proceeding that rate rebalancing is unrelated to Sprint's Petition, and the Commission should not consider that issue in this proceeding. The same is true with

¹ Reconsideration Motion paragraph 5 & n.1.

respect to the directory imputation and gain on sale issues that Staff raised at the prehearing conference. Public Counsel, however, devoted a substantial portion of its testimony to the directory issues while completely ignoring the rate rebalancing issues.

3. Public Counsel attempts to justify this discrepancy by explaining that it did not have a rate rebalancing proposal and thus anticipated responding to Staff's proposal. Public Counsel candidly acknowledges that it should have sought to incorporate this understanding into the schedule at the prehearing conference but did not do so. Public Counsel does not acknowledge, however, that it has consistently opposed any rate rebalancing outside of a rate case that would result in an increase in local rates for residential and small business customers. There is no legitimate reason why Public Counsel could not have included testimony setting forth and supporting this position when all parties were aware that Staff would be presenting just such a proposal.
4. Public Counsel nevertheless contends that no party would be prejudiced if the Commission were to permit Public Counsel to file testimony on rate rebalancing issues, but that cannot be known until that testimony (and Staff's responsive testimony) is filed. Sprint's concern is that an issue that already should not be part of this proceeding will become even more complicated, require expenditure of additional unwarranted resources, and possibly delay the Commission's ultimate decision. Additional rounds of testimony, particularly within an abbreviated time frame, will serve only to distract and unnecessarily burden the parties' and the Commission's review of the transaction and timely address the legitimate issues presented for Commission determination.
5. The Commission, therefore, should deny Public Counsel's Reconsideration Motion.

Dated this 21st day of December 2005.

By:  _____

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