BEFORE RECEIVED-DOCKETING DIV

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THE PUBLIC UTILITIES COMMISSION OF OUPAPR -5 AM 10:03

Michael Smith	
Complainant,	
v.	
Sprint Communications Company L.P.	•
Respondent.	

Case No. 06-1275-TP-CSS

MOTION TO DISMISS WITH PREJUDICE

Pursuant to Rule 4901-9-01 (E) of the Ohio Administrative Code, Sprint Communications Company L.P. ("Sprint") moves to dismiss this Complaint on the basis that the Complaint has been satisfied. The accompanying Memorandum in Support sets forth the reasons for this Motion to Dismiss. Pursuant to this same Rule, the Complainant has twenty (20) days to file a written response agreeing or disagreeing with Sprint's assertions and that, if no response is filed, the Commission may presume that satisfaction has occurred and may dismiss the Complaint.

WHEREFORE, Sprint respectfully moves that the Complaint be dismissed with prejudice.

Respectfully submitted,

SPRINT COMMUNICATIONS COMPANY L.P.

David L. Hoeffel VORYS, SATER, SEYMOUR AND PEASE LLP 52 East Gay Street Columbus, Ohio 43215 Telephone: (614) 464-5405 Facsimile: 614.719.5230 E-mail: dlhoeffel@vssp.com

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MEMORANDUM IN SUPPORT

The Complainant has long distance service available and the \$76.00 charge (from another carrier) which the Complainant complained of has been removed from his bill. Sprint has also made efforts to remove any effect of this charge from the Complainant's credit report. Sprint has communicated these facts to the Complainant, but to date has not received any response. Sprint submits that the Complaint has been satisfied. Pursuant to Commission Rule, the Complainant has twenty (20) days to file a written response agreeing or disagreeing with Sprint's assertions and that, if no response if filed, the Commission may presume that satisfaction has occurred and may dismiss the Complaint.

WHEREFORE, Sprint respectfully requests that this Complaint be dismissed with prejudice.

Respectfully submitted,

SPRINT COMMUNICATIONS COMPANY L.P.

David L. Hoeffel VORYS, SATER, SEYMOUR AND PEASE LLP 52 East Gay Street Columbus, Ohio 43215 Telephone: (614) 464-5405 Facsimile: 614.719.5230 E-mail: dlhoeffel@vssp.com

Its Attorney

Dated: April 5, 2007

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion To Dismiss With Prejudice was served by first-class U.S. Mail, postage prepaid, this 5th day of April, 2007, on the following person:

> Michael Smith 3891 W. 226th Street Fairview Park, OH 44126

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David L. Hoeffel