STATE OF SOUTH CAROLINA

(Caption of Case)

IN RE: Sprint Communications, L.P.

Complainant,

vs/

PBT Telecom, Inc.

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET NUMBER: 2008 - 389 - C

(Please type or print)

Submitted by: Sue-Ann Gerald Shannon

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ **Emergency Relief demanded in petition**

☐ **Request for item to be placed on Commission's Agenda expeditiously**

☐ **Other:**

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
☐ Electric	☐ Affidavit	☒ Letter	☐ Request
☐ Electric/Gas	☐ Agreement	☐ Memorandum	☐ Request for Certification
☐ Electric/Telecommunications	☐ Answer	☐ Motion	☐ Request for Investigation
☐ Electric/Water	☐ Appellate Review	☐ Objection	☐ Resale Agreement
☐ Electric/Water/Telecom.	☐ Application	☐ Petition	☐ Resale Amendment
☐ Electric/Water/Sewer	☐ Brief	☐ Petition for Reconsideration	☐ Reservation Letter
☐ Gas	☐ Certificate	☐ Petition for Rulemaking	☒ Response
☐ Railroad	☐ Comments	☐ Petition for Rule to Show Cause	☐ Response to Discovery
☐ Sewer	☐ Complaint	☐ Petition to Intervene	☐ Return to Petition
☒ Telecommunications	☐ Consent Order	☐ Petition to Intervene Out of Time	☐ Stipulation
☐ Transportation	☐ Discovery	☐ Prefiled Testimony	☐ Subpoena
☐ Water	☐ Exhibit	☐ Promotion	☐ Tariff
☐ Water/Sewer	☐ Expedited Consideration	☐ Proposed Oder	☐ Other:
☐ Administrative Matter	☐ Interconnection Agreement	☐ Protest	
☐ Other:	☐ Interconnection Amendment	☐ Publisher's Affidavit	
	☐ Late-Filed Exhibit	☐ Report	

Print Form Reset Form

MCNAIR
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April 21, 2009

via Electronic Filing

The Honorable Charles L.A. Terreni
P.O. Drawer 11649 (29211)
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210

RE: In re: Sprint Communications Company, L.P. v. PBT Telecom, Inc.
Docket No. 2008-389-C

Dear Mr. Terreni:

Enclosed for filing please find the Response of PBT Telecom, Inc., to Sprint's Motion for Summary Judgment in the above-referenced docket. By copy of this letter, I am serving a copy of this Response on all parties of record.

If you have any questions or need additional information, please do not hesitate to contact me.

Best regards,

Susie Shann

for M. John Bowen, Jr.

MJBJR:ss

Enclosure

cc: Mr. L.B. Spearman
William R. Atkinson, Esq.
Parties of record

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BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

Docket No. 2008-389-C

IN RE:

Sprint Communications, L.P.,	)	
	)	
Complainant,	)	
	)	**RESPONSE OF PBT TELECOM, INC.**
v.	)	**TO NOTICE OF MOTION AND**
	)	**MOTION FOR SUMMARY JUDGMENT**
PBT Telecom, Inc.,	)	
	)	
Defendant.	)	
	)	

PBT Telecom, Inc. ("PBT") respectfully submits this Response to the Notice of Motion and Motion for Summary Judgment filed by Sprint Communications, L.P. ("Sprint"). For the reasons set forth herein, PBT requests that Sprint's Motion for Summary Judgment be denied.

Summary judgment is appropriate only where no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law. S.C. R. Civ. P. 56(c); *Wiedemann v. Town of Hilton Head*, 330 S.C. 532, 536, 500 S.E.2d 783, 785-86 (1998). In determining whether any triable issues of fact exist, the evidence and all reasonable inferences therefrom must be viewed in the light most favorable to the parting opposing summary judgment. *Id.* at 536, 500 S.E.2d at 786. In this matter, there is a disputed fact as to what is required to effectuate implementation of the Interconnection Agreement at issue. Therefore, PBT does not believe summary judgment is appropriate in this matter. As stated in its Answer, PBT is willing to provide interconnection in accordance with the terms and conditions of the Agreement to the

extent that Sprint submits an appropriate Access Service Request ("ASR") and, therefore, PBT believes that Sprint's Complaint and Motion for Summary Judgment are not warranted.

However, in a good faith effort to resolve this matter, PBT has contacted Sprint to discuss implementation issues related to the Interconnection Agreement. Moreover, PBT has designated John Staurulakis, Inc. ("JSI") to serve as its representative with respect to discussion and resolution of technical implementation issues.

Representatives of PBT, Sprint, and JSI held a telephone conference today to exchange information regarding implementation of the Interconnection Agreement. Following the telephone conference, it is anticipated that Sprint will be submitting an ASR to PBT within the next several days. As the parties are presently working toward implementing the Interconnection Agreement, PBT does not believe that summary judgment is necessary or appropriate.

WHEREFORE, based upon the foregoing, and upon PBT's Answer, applicable law, and briefs or affidavits that may be filed in this matter, PBT respectfully requests that this Commission deny Sprint's Motion for Summary Judgment.

Respectfully submitted,

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ATTORNEYS FOR PBT TELECOM, INC.

April 21, 2009
Columbia, South Carolina.

BEFORE

THE PUBLIC SERVICE COMMISSION
OF
SOUTH CAROLINA

Docket No. 2008-389-C

IN RE: Sprint Communications L.P. Complainant, vs. PBT Telecom, Inc. Defendant.	)	**CERTIFICATE OF SERVICE**

I, Betty Y. Wheeler, do hereby certify that I have this date served one (1) copy of a Response to Sprint's Motion for Summary Judgment on behalf of PBT Telecom, Inc. upon the following counsel of record by causing said copies to be deposited with the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as follows

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April 21, 2009

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