

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
 )  
Applications of Sprint Nextel Corporation )  
Transferor )  
 ) IB Docket No. 12-343  
SOFTBANK CORP, and Starburst II, Inc., )  
Transferees )  
 )  
Joint Application for Consent to Transfer )  
International and Domestic Authority )  
Pursuant to Section 214 of the )  
Communications Act of 1934, as amended )

**PETITION TO DENY**

nWire, LLC, Pac-West Telecomm, Inc., and Tex-Link Communications, Inc. (the “CLEC Petitioners” or “CLECs”) respectfully submit this Petition To Deny the transfer of international and domestic authority from Sprint Nextel Corporation (“Sprint”) to Softbank Corp., and Starburst II, Inc. (collectively, “Softbank”), or, in the alternative, request that the Commission impose conditions on any transfer of authority to address the concerns of the CLEC Petitioners identified in this petition.

Additionally, the CLECs support DISH Network L.L.C.’s (“DISH”) REQUEST TO HOLD PROCEEDING IN ABEYANCE “and that the “shot clock” in this proceeding be paused, until the resolution of significant unresolved contingencies<sup>1</sup>...”, so long as the CLECs’ concerns are fully addressed during such an abeyance.

**BACKGROUND**

Sprint has engaged in self-help measures by unilaterally ceasing Intercarrier Compensation (“ICC”) payments owed to the CLEC Petitioners pursuant to federal law and federal and state intercarrier compensation rules. Sprint appears to have made a corporate-level (including all of its operating subsidiaries) decision to stop paying the CLECs ICC payments. The operating subsidiaries include, but are not limited to: Nextel Communications, Inc., Sprint Communications Co., LP, Sprint Communications Co., LP,

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<sup>1</sup> See DISH Network L.L.C. (“DISH”) REQUEST TO HOLD PROCEEDING IN ABEYANCE, IB Docket No. 12-343, (posted 01/17/2013. January 17, 2013)

Sprint Spectrum Holding Company, L.P., VIA Wireless, LLC d/b/a Sprint PCS VIA Wireless Nextel Partners, Inc, Southwest PCS, LP, Sprint Spectrum LP / Phillieco LP d/b/a Sprint PCS, Sprint Telephony PCS, L.P., and SprintCom, Inc.

The CLEC Petitioners have actively pursued Sprint to resolve Sprint's non-payment and to address Sprint's disputes of the CLEC Petitioners' invoices without result. By refusing to make ICC payments to the CLECs totaling millions of dollars Sprint has effectively and illicitly financed their business operations on the back of CLECs.

The Commission should require that Sprint must meet all of its Inter-carrier Payment obligations to the CLECs, prior to approving any transfer of authority. As others have commented in this Docket, Sprint should not be allowed to skirt its financial obligations while benefiting from the sale of its business.

## **PETITION TO DENY**

### ***Sprint Should Not Be Permitted to Benefit From The Sale Of Its Business to SoftBank When it Has Failed to Pay Its Debts To The CLEC Petitioners***

While there may be some reasonable arguments under which Sprint could dispute portions of the CLEC Petitioners' ICC invoices, Sprint has taken the approach that one drop of oil contaminates the whole ocean. In 2010 ICC payments of CLEC Petitioner's invoices made by Sprint began a rapid decline with Sprint paying 8.89% of invoiced amounts in 2010, 1.18% in 2011, and almost entirely stop paying in 2012 paying only 0.42%. At present Sprint owes millions of dollars in ICC payments to the CLEC Petitioners, an amount that continues to grow monthly. Importantly, Sprint has never provided a legal basis for its disputes, despite repeated requests from the CLEC petitioners and it appears that Sprint has adopted a similar approach with other firms to which it owes substantial ICC balances.

## **CONCLUSION**

The CLEC Petitioners respectfully submit this Petition to Deny the transfer of international and domestic authority from Sprint to Softbank (the "Transfer"), or, in the alternatives the CLECs requests that the Commission impose conditions on any transfer of authority to address the concerns of the CLEC Petitioners, or the Transfer be held in abeyance as described in this petition. The CLECs have expended valuable resources providing services for which Sprint has not met their legal and financial obligations, choosing not to pay for services that Sprint itself has received value for. Sprint should not be allowed to continue to take such dishonest self-help measures, and now benefit from its sale to SoftBank until Sprint meets its legal and financial obligations to the CLECs.

Respectfully submitted,  
CLEC Petitioners

By:  \_\_\_\_\_

Sam Shiffman  
Chief Strategist  
Pac-West Telecomm, Inc,  
6500 River Place Blvd  
Bldg. 2, Ste. 200  
Austin, Texas 78730  
512-735-1200

E--Mail: [regulatory@pacwest.com](mailto:regulatory@pacwest.com)

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