

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

In the Matter of)	
)	
Ameritech Operating Companies)	Transmittal No. 1795
Tariff F.C.C. No. 2)	
)	
BellSouth Telecommunications, LLC)	Transmittal No. 65
Tariff F.C.C. No. 1)	
)	
Pacific Bell Telephone Company)	Transmittal No. 492
Tariff F.C.C. No. 1)	
)	
Southwestern Bell Telephone Company)	Transmittal No. 3376
Tariff F.C.C. No. 73)	
)	
Nevada Bell Telephone Company)	Transmittal No. 249
Tariff F.C.C. No. 1)	
)	
Southern New England Telephone Company)	Transmittal No. 1053
Tariff F.C.C. No. 39)	
)	

**REPLY TO AT&T's OPPOSITION TO SPRINT'S PETITION TO REJECT OR IN THE
ALTERNATIVE SUSPEND AND INVESTIGATE**

On August 1, 2013, Sprint filed two Petitions to Reject, or in the Alternative Suspend, six tariff filings made by AT&T ILECs that proposed a requirement that interexchange carriers must order direct –trunked transport facilities when the traffic volume to a particular end office exceeds a certain threshold. AT&T's former tariffs do not impose such a requirement. AT&T filed a reply to Sprint's filings on August 5, 2013. In that reply, AT&T stated that Sprint had voluntarily agreed to a similar requirement in an interconnection agreement proposal in Illinois. AT&T Reply at 4-5. AT&T is correct that Sprint has agreed to route its traffic over direct end office trunking when traffic exceeds the threshold in that ICA. What AT&T conspicuously omits in its Reply, however, is that the parties will establish those direct trunks in

Illinois at “no cost” to Sprint. According to that agreement, AT&T will not charge Sprint non-recurring charges, monthly recurring charges, usage based charges for those trunks or for the AT&T inter-office facilities over which those trunks are established. Per minute of use traffic charges are only charged as otherwise provided in the agreement as if the connection were at the tandem.

The *complete* Illinois ICA provision referred to by AT&T establishes *how to set up a no-cost direct end office trunk to address AT&T’s potential tandem exhaust concern*. This stands in marked contrast to AT&T’s proposed tariffs, in which AT&T apparently seeks to impose non-recurring and monthly recurring charges to install and maintain inter-office facilities between the tandem and end office on which new end office trunks would be established, regardless of the IXC’s desire or need for such dedicated trunks.

If AT&T’s intent is to address potential (but unproven) tandem exhaust, AT&T has already agreed to a method to establish direct end office trunks without any increased costs. Sprint filed its petitions because the changes AT&T proposed to make to its access tariffs would result in increased access costs, in violation of the Connect America Fund Order, *In the Matter of Connect America Fund*, Report and Order and Further Notice of Proposed Rulemaking, WC Docket No. 10-90 (Oct. 27, 2011 (*CAF Order*)). Specifically, by requiring payment for facilities to support new trunks to end offices where no such requirement existed before and such facilities are not needed by IXCs to terminate their traffic, AT&T would increase the cost to Sprint and other IXCs.

In its response, AT&T stated that Sprint ignored the “specific language” in the *CAF Order* “confirming the LEC’s right to establish these grooming requirement.” AT&T Reply at 3. Modifications to the tariffs in the name of grooming, however, may not violate the fundamental *CAF Order* requirement of no rate increases.

As Sprint pointed out, the *CAF Order* prohibits rate increases:

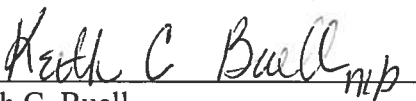
Thus, at the outset of the transition, all interstate switched access and reciprocal compensation rates will be capped at rates in effect as of the effective date of the rules. We cap these rates as of the effective date of the Order, as opposed to a future date such as January 1, 2012, to ensure that carriers cannot make changes to their rates *or rate structures* to their benefit in light of the reforms adopted in this Order.

CAF Order, Para. 801. In the *CAF Order*, the Commission not only prohibited increases in rates, but also any change to the "rate structures" that would result in increased cost to IXC's to terminate their traffic. The end result of AT&T's tariff filing is that as end-office switching rates decline to bill and keep in conformance with the *CAF Order*, AT&T will be able to bill additional facility charges to IXC's for direct end office trunks, thereby preserving some revenue that would otherwise be lost. But that new revenue directly contravenes the intent of the CAF Order, which is to cap access charges paid by IXC's at 2011 levels and then gradually lower them.

AT&T's proposed changes must be rejected.

Respectfully submitted,

SPRINT COMMUNICATIONS COMPANY L.P.


Keith C. Buell
Marybeth M. Banks
900 7th Street NW, Suite 700
Washington, DC 20001
(703) 592-2560

August 7, 2013