

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

<b>In the Matter of:</b>	)	
	)	
<b>Sprint Local Telephone Companies</b>	)	<b>Transmittal No. 192</b>
<b>Tariff FCC No. 3</b>	)	
	)	
	)	

**WORLDCOM PETITION TO REJECT OR,  
IN THE ALTERNATIVE, SUSPEND AND INVESTIGATE**

**I. Introduction**

WorldCom, Inc. (WorldCom), pursuant to Section 1.773 of the Commission's Rules, hereby petitions the Commission to reject or, in the alternative, suspend and investigate the above-captioned transmittal filed by the Sprint Local Telephone Companies (Sprint) on April 4, 2002.<sup>1</sup>

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<sup>1</sup> Rejection of a proposed tariff or proposed changes to an existing tariff is warranted when the proposal is prima facie unlawful in that it can be demonstrated that it conflicts with the Communications Act or a Commission, rule, regulation or order. See, e.g., American Broadcasting Companies, Inc. v. FCC, 633 F.2d 133, 138 (D.C.Cir. 1980); Associated Press v. FCC, 448 F.2d 1095, 1103 (D.C.Cir. 1971); MCI v. AT&T, 94 FCC 2d 332, 340-41 (1983); AT&T, 67 FCC 2d 1134, 1158 (1978), recon. denied, 70 FCC 2d 2031 (1979).

Suspension and investigation of a proposed tariff or tariff modification is warranted when significant questions of unlawfulness arise in connection with the tariff. See AT&T Transmittal No. 148, Memorandum Opinion and Order, FCC 84-421 (released Sept. 19, 1984); ITT, 73 FCC 2d 709, 719 (1979); AT&T, 46 FCC 2d 81,86 (1974); see also Arrow Transportation Company v. Southern Railway Company, 372 U.S. 658 (1963).

The Commission should reject or, in the alternative, suspend and investigate Sprint Transmittal No. 192 because it raises the same substantial questions of lawfulness that the Commission found with respect to BellSouth Transmittal No. 623 and Qwest Transmittal No. 120.<sup>2</sup> In particular, Sprint has failed to meet its burden of proof necessary to rebut the Commission's presumption that no additional recovery is justified for thousands-block number pooling.<sup>3</sup>

First, Sprint has incorrectly considered only those cost savings from number pooling that would accrue during the two-year recovery period.<sup>4</sup> As in the case of the BellSouth and Qwest transmittals suspended by the Commission, Sprint has not provided "sufficient evidence and analysis to establish that it is reasonable to limit cost savings to the avoided costs for area code relief for two-year period."<sup>5</sup>

Second, as in the case of the BellSouth and Qwest transmittals suspended by the Commission, Sprint has failed to demonstrate that its claimed OSS costs are allowable under the Third Report and Order's cost recovery guidelines. In the Third Report and Order, the Commission made clear that OSS costs incurred as an "incidental consequence"

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<sup>2</sup> BellSouth Tariff FCC No. 1, Transmittal No. 623; Qwest Tariff FCC No. 1, Transmittal No. 120, Order, WCB/PPD No. 02-08, released April 1, 2002 (BellSouth/Qwest Suspension Order).

<sup>3</sup> Numbering Resource Optimization; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Telephone Number Portability, Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, CC Docket Nos. 99-200; 96-98; 95-116, released December 28, 2001, at ¶ 39 (Third Report and Order)

<sup>4</sup> Sprint Transmittal No. 192, D&J at 14.

<sup>5</sup> BellSouth/Qwest Suspension Order at ¶ 7.

of thousands-block number pooling are not eligible for recovery.<sup>6</sup> ILECs may include only those OSS costs incurred for one of three categories of functions: (1) to “identify, donate, and receive blocks of pooled numbers;” (2) to “create and populate the regional databases and carriers’ local copies of those databases;” or (3) to “adapt the procedures for querying these databases and for routing calls.”<sup>7</sup>

Many of the OSS modification costs claimed by Sprint should be disallowed because they are incurred merely as an incidental consequence of thousands-block number pooling. For example, Sprint claims costs associated with modifying various “consumer market” and “business market” ordering and installation systems to recognize that, in a thousands-block number pooling environment, NPA/NXX codes can be provisioned from multiple switches.<sup>8</sup> Similarly, Sprint claims costs associated with modifying telephone number assignment procedures during order entry.<sup>9</sup> Because these costs result from “adapting ordering and provisioning systems,” and are not “directly related to pooling operations,”<sup>10</sup> the Commission should reject or, in the alternative, suspend and investigate Sprint Transmittal No. 192.

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<sup>6</sup> Third Report and Order at ¶ 45.

<sup>7</sup> Id. at ¶ 44.

<sup>8</sup> D&J, Exhibit 5, rows 7, 9, 33.

<sup>9</sup> Id., rows 23-28.

<sup>10</sup> BellSouth/Qwest Suspension Order at ¶ 9.

For the reasons stated herein, the Commission should reject or, in the alternative, suspend and investigate Sprint Transmittal No. 192.

Respectfully submitted,  
WORLDCOM, INC.

/s/ Alan Buzacott

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April 11, 2002

STATEMENT OF VERIFICATION

I have read the foregoing and, to the best of my knowledge, information, and belief, there is good ground to support it, and it is not interposed for delay. I verify under penalty of perjury that the foregoing is true and correct. Executed on April 11, 2002.

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## **CERTIFICATE OF SERVICE**

**I, Alan Buzacott, do hereby certify that copies of the foregoing Petition to Reject or, in the Alternative, Suspend and Investigate, were sent via first class mail, postage paid, and by facsimile\*, to the following on this 11<sup>th</sup> Day of April, 2002.**

Tamara Preiss\*\*  
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**Hand Delivered\*\***

/s/

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Alan Buzacott