

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

In the Matter Of)
) **Transmittal No. 430**
Verizon Tariff F.C.C. No. 1)

**PETITION OF SPRINT TO REJECT
OR ALTERNATIVELY SUSPEND AND INVESTIGATE**

Sprint Communications Company L.P. (“Sprint”), pursuant to Section 1.773 of the Commission’s Rules, 47 C.F.R. §1.773, hereby respectfully requests that the Commission reject, or alternatively, suspend for full five month period permitted under Section 204(a) of the Act and institute an investigation of, the tariff revisions concerning the proposed Additional Labor Charges filed by Verizon Telephone Companies (“Verizon”) in its Tariff F.C.C. No. 1 on April 14, 2004 under the above-captioned transmittal. Verizon identifies these charges as “a new Price Cap service for Tariff F.C.C. No. 1”(Transmittal Letter, p. 2) , and, by so doing, has avoided providing any cost support or impact on its price caps. Verizon’s claim that these Additional Labor Charges are new is simply incorrect. Such charges are merely part of a “restructured service” as defined in Section 61.3(II) of the Commission’s rules for which cost support must be filed in compliance with Section 61.49(e).

Verizon is proposing charges under “Additional Labor” for “Testing and Maintenance with other telephone companies and Other Labor.” See Section 13.2.6(C) of The Verizon Telephone Companies Tariff F.C.C. No. 1, 1st Revised Page 13-6. Verizon states that it is “reinstat[ing] a subset of charges for Additional Labor” that it had removed from its tariff in 1994¹ and describes these charges as “Testing and Maintenance with other telephone companies [which] includes additional testing, maintenance or repair of facilities which connect to facilities of other telephone companies which is in addition to normal effort required to test, maintain or repair facilities provided exclusively by Verizon.” Description and Justification at 2.

Verizon has routinely performed such testing and maintenance functions when requested by “Other Telephone Companies.” Clearly, the testing and maintenance service associated with new and existing facilities does not constitute a “New service offering” as defined in Section 61.3(x) of the Commission’s Rules: “A tariff filing that provides for a class or sub-class of service not previously offered by the carrier involved and that enlarges the range of service options available to ratepayers” (emphasis added). Rather, Verizon is “restructuring” its service offering, which the Commission defines in Section 61.3(l) as “[a]n offering which represents the modification of a method of charging or provisioning a service; or the introduction of a new method of charging or provisioning that does not result in a net increase in options available to customers.”

¹ In 1994 Verizon was forced to reduce its revenues given the impact of productivity minus inflation that year. Thus, Verizon removed these charges in order to keep its API below its PCI.

By claiming that this is a “new” service, Verizon avoids the filing of cost support and compliance with Section 61.49(e) of the Commission’s rules which requires “[e]ach price cap tariff filing that proposes restructuring of existing rates must be accompanied by supporting materials sufficient to make the adjustments to each affected API and SBI required by §§ 61.46(c) and 61.47(d), respectively.” The additional revenue generated by these new charges will clearly have an impact on Verizon’s price caps. Because this service is a “restructuring” and not a new service offering, Verizon must comply with the required cost support.

For the above reasons, Sprint urges the Commission to reject, or alternatively suspend for the full statutory period and investigate, Verizon’s proposed Testing and Maintenance with other telephone companies and Other Labor charges.

Respectfully submitted,

SPRINT COMMUNICATIONS COMPANY L.P.



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