

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

In the Matter Of)	
)	
Ameritech Operating Companies)	Transmittal No. 1415
Tariff F.C.C. No. 2)	
)	
Nevada Bell Telephone Company)	Transmittal No. 76
Tariff F.C.C. No. 1)	
)	
Pacific Bell Telephone Company)	Transmittal No. 175
Tariff F.C.C. No. 1)	
)	
Southern New England Telephone Company)	Transmittal No. 832
Tariff F.C.C. No. 39)	
)	
Southwestern Bell Telephone Company)	Transmittal No. 3011
Tariff F.C.C. No. 73)	

**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, 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 proposed by SBC Communications Inc. ("SBC") which would eliminate the one-year Minimum Period for OC-48 and OC-192 OCN Point-to-Point Service and replace it with a three-year Minimum Period for these facilities. The proposed revisions were filed by SBC on behalf of its five operating companies: Ameritech Operating Companies, Nevada Bell Telephone Company, Pacific Bell Telephone Company, Southern New England Telephone Company and Southwestern Bell Telephone Company, on October 25, 2004

under the above-captioned transmittals. For the reasons set forth below, Sprint believes that the proposed changes are unjust and unreasonable, in violation of §201(b) of the Communications Act, and are impermissibly vague, in violation of §61.2 of the Commission's rules.

SBC claims that its proposal to eliminate the one-year Minimum Period for OC-48 and OC-192 facilities and to institute a three-year Minimum Period is simply a "restructuring" of its service. The proposal is clearly more than a "modification of a method of charging or provisioning a service" as contemplated by the definition of "Restructured service" under § 61.3(11) of the Commission's rules, 47 C.F.R § 61.3(11). By claiming that the proposed changes represent a "restructuring" of its existing services, SBC avoids having to provide any justification for eliminating the shorter Minimum Period.¹ The proposed tariff revisions will restrict interexchange carriers from offering service of less than three years to their largest customers who require these OCN access facilities. In today's competitive and economic environment, customers may be reluctant to commit to three year terms, preferring shorter terms which can be extended as needed. Thus, Sprint believes that the removal of the one-year Minimum Period, absent any justification, is an unjust and unreasonable change in the provision of access services, in violation of §201(b) of the Communications Act.

Further, although SBC states in its Transmittal Letters that "[e]xisting customers will be grandfathered, effective November 9, 2004, with no change to existing terms and conditions," it is unclear whether SBC intends to provide new OC-48 and OC-192


¹ SBC does not seek to justify the elimination of the one-year Minimum Period on the basis that it is not fully recovering its costs for facilities over the one-year term. Thus, the Commission should assume that SBC is fully recovering its costs based on its one-year term rates and that cost recovery is not at issue here.

facilities to customers (such as Sprint) that have existing OC-48 and OC-192 facilities, or whether it will honor only the one-year minimum service term on existing OC-48 and OC-192 facilities. This is a critical distinction, as it will affect whether or not interexchange carriers will have the one-year Minimum Period available to them for future agreements that have a term of less than three years. Further, it is unclear whether or not SBC will permit an existing customer to renew OC-48 and OC-192 facilities for additional one-year Minimum Periods at the end of its current Minimum Period. Thus, Sprint believes that SBC's proposed tariff language is impermissibly vague, in violation of §61.2 of the Commission's rules which requires "all tariff publications must contain clear and explanatory statements regarding the rates and regulations."

Because SBC's proposed revisions are unjust and unreasonable, in violation of §201(b) of the Communications Act, and because they are impermissibly vague, in violation of §61.2 of the Commission's rules, Sprint urges the Commission to reject, or alternatively suspend for the full statutory period and investigate, SBC's proposal to eliminate the one-year Minimum Period for OC-48 and OC-192 OCN Point-to-Point Service.

Respectfully submitted,

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