

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

In the Matter of)	
)	
Sprint Local Telephone Companies)	Transmittal No. 257
Tariff F.C.C. No. 3)	
)	

**SPRINT LOCAL TELEPHONE COMPANIES'
REPLY TO PETITION TO SUSPEND OR REJECT TARIFF**

Pursuant to section 1.773(b) of the Commission's Rules,¹ Sprint Local Telephone Companies ("Sprint") hereby respond to and oppose the petition to suspend or reject Transmittal No. 257, filed by NuVox and XO.²

I. The Petitioner's arguments are outside the scope of the Transmittal and thus are not before the Commission.

Transmittal No. 257 makes changes solely to rates for special access channel terminations. The rate changes are all squarely within the limits imposed by Price Cap rules. The petitioners have not claimed otherwise. Accordingly, there are no grounds for rejecting or suspending the revisions.

The petitioners provide no justification for suspending or rejecting the rate changes. In fact, they concede that Transmittal No. 257 "does not directly raise" the issues that the petitioners are complaining about.³ The filing of revised rates is not an open invitation to

¹ 47 C.F.R. § 1.773(b).

² NuVox, Inc. and XO Communications, Inc. Petition to Suspend or Reject Tariff (filed Apr. 22, 2005) ("Petition").

³ Petition at 1.

attack pre-existing and unrelated aspects of a carrier's tariff that are unchanged by the transmittal.

The Petition complains about the Expanded Interconnection section of Sprint's Tariff. The petitioners object that Expanded Interconnection rates are available only to Expanded Interconnection collocators. They mischaracterize Sprint's filing -- and a prior transmittal -- as part of a "change" in Sprint's tariffs, dating from June 2003 and ostensibly intended to "replace cross-connect charges with channel termination charges."⁴ In reality, Sprint did not change its tariff in June 2003, but Transmittal No. 257 is not a vehicle for raising that issue in any event.

Transmittal No. 257 does not even involve the Expanded Interconnection section of Sprint's tariff.⁵ Sprint's Expanded Interconnection tariff is entirely lawful. But the Transmittal now before the Commission makes no changes whatsoever in terms, conditions, or application of Sprint's tariff -- other than adjusting the rates for DS3 and OCn level channel terminations under the Special Access section. The petitioner's repetition of arguments raised in their opposition to a prior transmittal⁶ -- which included among many other things language clarifying Expanded Interconnection terms and conditions, and which was withdrawn for reasons other than the petitioners' prior objections -- is simply irrelevant.

⁴ Petition at 2.

⁵ Provisions for Expanded Interconnection are in section 17 of Sprint's F.C.C. Tariff No. 3. Transmittal No. 257 adjusts Special Access rates in sections 7 and 22.

⁶ Sprint Local Telephone Companies Tariff F.C.C. No. 3, Transmittal No. 252 (filed Feb. 14, 2005).

The Commission does not consider petitioners' arguments on transmittals that are not pending before the Commission.⁷

II. The Petitioners have not shown the Transmittal to be unreasonable.

The Transmittal introduces price reductions for in intra-office or “zero-mileage” channel terminations. Although these decreases are partly offset by modest increases in other channel terminations mileage bands, overall the net result is a significant reduction in rates for carrier-purchasers of Sprint channel terminations at the DS3 level and above. The petitioners focus solely on collocators and the rates they may face for intra-office connections.⁸ Yet, even viewed from a collocator's perspective, the competitive industry is unquestionably better off with this tariff filing in effect. It lowers rates for DS3 and OCn-level intra-office channel terminations significantly. It is ironic that the petitioners are asking the Commission to reject or suspend a reduction in rates that clearly benefits them and other Sprint competitors.

The petitioners fail to show that the Transmittal is unreasonable. In substance, they offer just two arguments. First, they claim the new rates must be unreasonable, because DS3 intra-office channel terminations may be lower than DS1 intra-office channel terminations in some instances. But what the Petition claims is an “anomalous result” is actually no such thing.⁹ The anomaly is purely the consequence of the petitioners comparing apples to

⁷ Nor would the Commission need to. The Petition itself notes that those issues have already been raised in a separate proceeding. Petition at 2 n.5.

⁸ The petitioners also focus just on DS1 and DS3 level channel terminations. However, the Transmittal significantly reduces rates intra-office OCn channel terminations, as well.

⁹ Id. at 5.

oranges. Sprint has mileage-banded rate structures on DS3 and OCn channel terminations, including an intra-office or zero-mileage band. In contrast, Sprint's DS1 channel terminations are geographically averaged. It is therefore not surprising that a DS1 zero-mileage channel termination can be subject to a higher rate.¹⁰

Ironically, even while the petitioners ask the Commission to reject or suspend Sprint's rate reductions for DS3 and OCn-level intra-office channel terminations -- which can only benefit collocating competitors -- they also ask the Commission to order Sprint to "reduce" its rates for DS1 intra-office channel terminations.¹¹ They make no effort to explain how or why the Commission should order Sprint to geographically de-average the DS1 channel termination rates. In any event, and even though it has no bearing on the lawfulness of Sprint's tariff revision at issue here, Sprint intends to file mileage-banded channel termination rates for DS1s by mid-summer, when, barring unforeseen problems or delays, billing and provisioning systems changes are completed.

Second, the petitioners complain that the Transmittal "does nothing to change" something it dislikes about an entirely different section of Sprint's tariff, and which they criticized in response to a prior Transmittal.¹² There, they objected to the fact that section 251 collocators do not have access to the "electrical cross connect" rate elements that are available to Expanded Interconnection collocators. Sprint's tariff is lawful, and Sprint disputes the petitioners' assumption that Sprint's Expanded Interconnection tariff is in any

¹⁰ It is worth noting that, because DS1 channel terminations are geographically averaged, the Petitioners enjoy what must be, by their reasoning, under-priced high-mileage channel terminations outside the office.

¹¹ Petition at 5.

¹² Id.

way unreasonable, “discriminatory” or “unfair.”¹³ But the Transmittal here does not involve any changes in rates, terms, or conditions in Sprint’s Expanded Interconnection tariff. That issue is plainly outside the scope of the Transmittal now before the Commission. The petitioners have failed to show that Sprint’s proposed DS3 or OCn channel termination rates are unreasonable or discriminatory.

CONCLUSION

Transmittal No. 257 includes nothing but straightforward rate changes in the Special Access section of Sprint’s tariff. The rate adjustments are well within Price Cap rules and provide a net revenue reduction for the rate elements involved. The petitioners ignore this. They raise issues that have no bearing on the Transmittal and that are not before the Commission. They have failed to show that the rate changes actually proposed are unreasonable or unlawful. Their Petition should be denied.

Respectfully submitted,

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¹³ E.g., id. at 4.

CERTIFICATE OF SERVICE

I certify that the foregoing Sprint Local Telephone Companies' Reply to Petition to Suspend or Reject Tariff was served this 26th day of April, 2005, as shown below:


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