

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

<b>In the Matter of</b>	)	
	)	
	)	<b>Transmittal No. 262</b>
<b>Sprint Local Telephone Companies</b>	)	
<b>Tariff F.C.C. No. 3</b>	)	
	)	

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

Pursuant to section 1.773(b) of the Commission’s Rules,<sup>1</sup> the Sprint Local Telephone Companies (“Sprint”) hereby respond to and oppose the petition to suspend or reject Transmittal No. 262, filed by SBC Communications Inc. (“SBC”).<sup>2</sup>

**I. The Petition’s arguments are outside the scope of the Transmittal and thus are not before the Commission.**

Transmittal No. 262 makes changes solely to rates for special access channel terminations, by rebanding them to include a new, lower rate for channel terminations within the central office. The rate changes are all squarely within the limits imposed by Price Cap rules. SBC has not claimed otherwise. Accordingly, there are no grounds for rejecting or suspending the revisions.

Certainly, the Petition provides no justification for suspending or rejecting the rate changes. In fact, SBC acknowledges that it “does not object to the creation of a ‘Within CO’

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<sup>1</sup> 47 C.F.R. § 1.773(b).

<sup>2</sup> Petition of SBC Communications Inc. to Reject or in the Alternative Suspend and Investigate (filed July 28, 2005) (“Petition”). Sprint notes that SBC Communications Inc., the Petitioner, is not itself a section 251 collocator purchasing services under the tariff at issue.

channel termination.”<sup>3</sup> Instead, it is protesting because Sprint might, in the future, “use the creation of that new rate element to significantly revise the rates, terms, and conditions” within its tariffs.<sup>4</sup> Of course, if Sprint were to “significantly revise” any such rates, terms, or conditions in the future, and if SBC then felt aggrieved, SBC could file a protest at that time. What Sprint might or might not do in the future is no basis for suspending or rejecting Transmittal No. 262. Such concern is at best premature.

Rather than address the actual tariff filing, the bulk of SBC’s Petition criticizes “Sprint’s position”<sup>5</sup> (actually its long-standing policy) on other, existing tariff provisions. The filing of revised rates is not an open invitation to attack pre-existing and unrelated aspects of a carrier’s tariff that are unchanged by Transmittal No. 262.<sup>6</sup>

The Petition ultimately complains about the Expanded Interconnection section of Sprint’s Tariff. SBC objects that Expanded Interconnection rates, offered in a different section of Sprint’s Tariff, are available only to Expanded Interconnection collocators. SBC mischaracterizes Transmittal No. 262 as part of a “change in billing practices” in Sprint’s tariffs, dating from 2003 and ostensibly intended to “reclassify and re-price electrical cross-connects as channel terminations.”<sup>7</sup> Sprint did not change its tariff in 2003, and it disputes SBC’s implication that its existing Expanded Interconnection tariff in any way “contravenes the Act as well as Commission policy.”<sup>8</sup>

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<sup>3</sup> Petition at 1.

<sup>4</sup> Id. at 1.

<sup>5</sup> Id. at 2, 3.

<sup>6</sup> An affiliate of SBC has already raised that issue separately before the Commission.

<sup>7</sup> Petition at 2.

<sup>8</sup> Id. at 3.

Regardless, Transmittal No. 262 does not involve the Expanded Interconnection section of Sprint's tariff.<sup>9</sup> The Transmittal now before the Commission makes no changes other than adjusting the rates for DS1 level channel terminations under the Special Access section. And in complaining about differences between DS1 channel termination rates under the Special Access tariff and electrical cross connect rates under the Expanded Interconnection tariff, SBC is comparing apples to oranges. Sprint's DS1 channel terminations have long been geographically averaged.<sup>10</sup> Transmittal No. 262 actually has the effect of substantially reducing the very disparity that SBC's Petition criticizes.

## **II. The Petition has not shown the Transmittal to be unreasonable.**

Transmittal No. 262 introduces price reductions for collocating carriers by de-averaging or rebanding DS1 channel termination rates. This rebanding reduces rates for intra-office or "zero mileage" DS1 circuits and parallels Sprint's long-standing rate structure for DS3 and OCn level channel terminations -- they have long had a "within CO" mileage band -- and thus better aligns Sprint's DS1 products with its DS3 offerings. It also follows Sprint's recent rate overall reductions at the DS3 and OCn level.<sup>11</sup> Although the substantial rate decreases for intra-office DS1 channel terminations are partly offset by modest increases

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<sup>9</sup> Provisions for Expanded Interconnection are in section 17 of Sprint's F.C.C. Tariff No. 3. Transmittal No. 262 adjusts Special Access rates in sections 7 and 22.

<sup>10</sup> It is worth noting that, because DS1 channel terminations are geographically averaged, competitive carriers enjoy what must be, by SBC's reasoning, under-priced high-mileage channel terminations outside the central office.

<sup>11</sup> Sprint's DS3 and OCn channel termination rates were rebanded (and reduced, both within CO and in aggregate) by Sprint Transmittal No. 257. SBC did not protest that tariff filing.

in other mileage bands, overall the net result is a reduction in rates for carrier-purchasers of Sprint channel terminations at the DS1 level.

SBC's Petition focuses solely on collocators and the rates they may face for intra-office connections. Yet, even collocators are unquestionably better off with this tariff filing in effect. It lowers rates for intra-office DS1 channel terminations significantly and indeed substantially reduces the very rates that SBC contends are objectionable.<sup>12</sup> It is ironic that SBC is asking the Commission to reject or suspend a reduction in rates that clearly benefits it and other Sprint competitors. In any event, SBC has failed to show that Sprint's proposed DS1 channel termination rates are unjust or unreasonable.

### **III. The Commission already denied the protest of a similar tariff transmittal.**

SBC's Petition fails to note that the Commission recently considered and rejected the protest of a tariff transmittal virtually indistinguishable from Transmittal No. 262. On April 15, 2005, Sprint submitted Transmittal No. 257, which, as noted above, rebanded Sprint's rates for DS3 and OCn-level channel terminations. Two carriers jointly protested the filing, making the same arguments that SBC raises now.<sup>13</sup>

The Price Policy Division reviewed that petition and concluded that it had "not presented compelling arguments that this transmittal is so patently unlawful as to require rejection," and that it had "not presented issues regarding the transmittal that raise significant

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<sup>12</sup> Petition at 2.

<sup>13</sup> NuVox, Inc. and XO Communications, Inc. Petition to Suspend or Reject Tariff, In the Matter of Sprint Local Telephone Companies Tariff F.C.C. No. 3, (filed Apr. 22, 2005). In answering that protest, Sprint noted that it would be filing similar rate changes for DS1 channel terminations in mid-summer, after making supporting changes to its billing and provisioning systems.

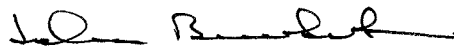
questions of lawfulness that require investigation of the tariff transmittal.”<sup>14</sup> Accordingly, the Commission denied that petition. The Commission’s review of the present, carbon-copy Petition should yield the same result.

## **CONCLUSION**

Transmittal No. 262 includes nothing but straightforward rate changes in the Special Access section of Sprint’s tariff. The rate adjustments are within Price Cap rules and provide a net revenue reduction for the rate elements involved. SBC raises issues that have no bearing on the Transmittal and that are not before the Commission. It fails to show that the rate changes actually proposed raise questions of unreasonableness or unlawfulness so as to warrant rejection or suspension and investigation. Its Petition should be denied.

Respectfully submitted,

SPRINT LOCAL TELEPHONE COMPANIES

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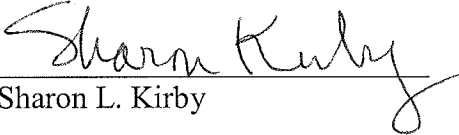
August 2, 2005

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<sup>14</sup> Public Notice, Protested Tariff Transmittal Action Taken, Report No. WCB/Pricing 05-25, DA 05-1286 (May 4, 2005).

## CERTIFICATE OF SERVICE

I certify that the foregoing Sprint Local Telephone Companies' Reply to Petition to Suspend or Reject Tariff was served this 2nd day of August, 2005, as shown below:

  
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