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

In the Matter Of	)	
	)	
Ameritech Operating Companies	)	**Transmittal No. 1588**
Tariff F.C.C. No. 2	)	
	)	
Nevada Bell Telephone Company	)	**Transmittal No. 145**
Tariff F.C.C. No. 1	)	
	)	
Pacific Bell Telephone Company	)	**Transmittal No. 323**
Tariff F.C.C. No. 1	)	
	)	
Southern New England Telephone Company	)	**Transmittal No. 928**
Tariff F.C.C. No. 39	)	
	)	
Southwestern Bell Telephone Company	)	**Transmittal No. 3171**
Tariff F.C.C. No. 73		

PETITION OF SPRINT NEXTEL CORPORATION TO REJECT OR ALTERNATIVELY SUSPEND AND INVESTIGATE

Sprint Nextel Corporation, pursuant to §1.773 of the Commission's Rules, hereby respectfully requests that the Commission reject, or alternatively, suspend for the full five-month period permitted under Section 204(a) of the Act and institute an investigation of the above-captioned tariff revisions proposed by AT&T. These revisions would impose an additional Expedite Order Charge for special access point-to-point circuits when the Customer misses the original service date and requests a subsequent service date. The proposed revisions were filed by AT&T 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 November 2, 2006. The Commission must

suspend or reject and investigate the revisions because (1) AT&T has failed to file the required cost support to justify the proposed charges, (2) the proposed changes are unjust and unreasonable, in violation of Section 201(b) of the Communications Act, and (3) the proposed changes are impermissibly vague, in violation of §61.2 of the Commission's Rules. In support thereof, Sprint states as follows:

AT&T apparently determined that it did not have to file any cost support for the proposed revision despite the requirements set forth in Part 61 of the Rules because it already imposes an additional expedite order charge when the customer misses the expedited service date, and the proposed revisions simply clarify its current practice. *See* AT&T D&J at1 ("Today, if an expedited service date is missed due to the customer not being ready for service, we assess an Expedite Order Charge or Expedite Circuit Charge.") Thus, AT&T's failure to provide cost support is based on the fact that it is violating Section 203 of the Act.

The Commission must not ratify such violation by excusing AT&T from meeting the requirements of Part 61. There are two possible interpretations of AT&T's proposed tariff revisions. The first is that AT&T had one expedite charge which it has been assessing on both the initial request for expedited service and on any subsequent request(s). It now wishes to have two charges, one for the initial expedite request and another of any subsequent request(s). If this is the case, then AT&T's proposed revisions must be considered to constitute a "restructuring" because AT&T is seeking to modify "a method of charging or provisioning a service; or [to introduce] a new method of charging or provisioning that does not result in a net increase in options available to customers." 47 C.F.R. §61.3(ll). That cost support is required for such modifications cannot be

debated. *See* 47 C.F.R. §61.49(e) ("Each 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 second interpretation is that AT&T did not have a charge it was assessing on subsequent expedite orders and now it is proposing one. Under this interpretation, AT&T is introducing a "[n]ew service offering… 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." 47 C.F.R. §61.3(x). Under the Commission's price cap rules, AT&T must provide a cost showing for the "new service offering" that includes projected demand and costs for the service. *See* 47 C.F.R. §61.49(g).

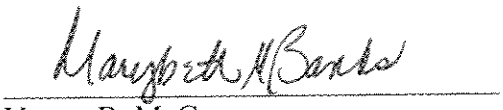
Sprint is skeptical that AT&T could justify the imposition of charges for re-establishing an expedited order date when the first date is missed that are identical to the charges for the initial expedited order. AT&T's expedite charges for establishing a new expedite date for DS1 special access circuits range from $525 per order (for a 6-day service interval) to $2,500 per order (for a 0-day service interval); for DS3 special access circuits, the charge for a new expedite date range from $1,500 per circuit (for a 6-day service interval) to $4,500 per circuit (for a 0-day service interval). The initial Expedite Order Charge and the Expedite Circuit Charge presumably recover the costs associated with advancing the delivery date of equipment and facilities. If the customer misses the requested service date, it seems highly unlikely that all the costs incurred to expedite delivery for the initial date would be incurred a second time when a subsequent delivery date is requested. Moreover, AT&T may already be recovering some or all of the costs

associated with the new delivery date through the "Service Date Change Charge and Dispatch Charge" that it imposes. Thus, AT&T's proposed revision may enable it to over-recover or double recover the costs incurred in expediting special access orders. If this is so, the proposed rates would be unreasonable in violation of §201(b) of the Act. At the very least, and if the Commission determines not to reject the revisions outright, the Commission should suspend the revisions and institute an investigation into their reasonableness.

Finally, although its proposed tariff revisions refer to the application of an "Additional Expedite Order Charge" and an "Additional Expedite Circuit Charge," AT&T does not set forth such charges. Thus, Sprint Nextel believes that AT&T's proposed tariff language stating that "the Additional Expedite Order Charge or Additional Expedite Circuit Charge will apply" 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." For this reason alone the Commission should reject the tariff revisions.

Respectfully submitted,

SPRINT NEXTEL CORPORATION



Vonya B. McCann
Michael B. Fingerhut
Marybeth M. Banks
2001 Edmund Halley Drive
Reston, VA 20191-3436
(703) 591-5111

November 9, 2006

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition of Sprint to Reject or Alternatively Suspend and Investigate in the Matter of Ameritech Operation Companies Transmittal NO. 1588, Nevada Bell Telephone Companies Transmittal No. 145, Pacific Bell Telephone Company Transmittal No. 323, Southern New England Telephone Companies Transmittal No. 928, and Southwestern Bell Telephone Company Transmittal No. 3171 was sent by electronic mail, U.S. First Class Mail and facsimile on this 9th day of November, 2006 to the parties listed below.

Payquntah W. Johnson

Payquntah W. Johnson

By Electronic Mail

Thomas Navin
Chief, Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
Thomas.Navin@fcc.gov

Best Copy and Printing, Inc.
Portals II
445 12th Street, SW
Room CY-B402
Washington, DC 20554
fcc@bcpiweb.com

Albert Lewis, Acting Division Chief
Pricing Policy Division
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
Albert.lewis@fcc.gov

Randolph L. Smith
Pricing Policy Division
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
Randolph.smith@fcc.gov

Pamela Arluk, Acting Assistant Division Chief
Pricing Policy Division
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
Pamela.arluk@fcc.gov

Steven Funkhouser
Pricing Policy Division
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
Steven.funkhouser@fcc.gov

James Lichford
Pricing Policy Division
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
James.lichford@fcc.gov

By Facsimile and U.S. Mail

Linda B. Meyer, Associate Director
Tariff Administration
Four AT&T Plaza
Rome 1970.04
Dallas, TX 75202
Facsimile: (214) 858-0639