

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Access Charge Reform) CC Docket No. 96-262

PETITION FOR EXPEDITED RECONSIDERATION AND CLARIFICATION

Sprint Corporation hereby seeks limited reconsideration and clarification, on an expedited basis, of the Commission's First Report and Order (FCC 97-158) released May 16, 1997 in the above-captioned docket. Although the Order results in neither cost-causative recovery of LEC access costs nor a cost based level of the access charges the IXCs must pay, taken as a whole it nonetheless represents a first step in the right direction. Sprint is confining its Petition for Reconsideration and Clarification to five issues. In view of the major restructuring of access charges scheduled to take place on January 1, 1998, Sprint urges the Commission to act expeditiously so that the issues raised herein will be resolved prior to that date.

I. IMPLEMENTATION ISSUES RAISED BY PICCs

As Sprint made clear in its previous filings in this docket, Sprint would have preferred that the Commission restructure access charges so that non-traffic-sensitive loop and switching costs are recovered from the cost causer – the local service customer – through increases in the subscriber line charge. Instead, the Commission chose to recover these costs through a combination of increases in certain subscriber line charges and the

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PICC: a flat, per-line charge levied on the subscriber's primary interexchange carrier.

The Order (see ¶¶94-99) requires different PICCs for primary residential lines and single-line business users, for non-primary residential lines, and for multi-line business lines.

The Commission refrained from defining "primary" and "non-primary" residential lines in its Order, determining to leave that for a later notice of proposed rulemaking in the Universal Service proceeding and promising to resolve that issue by the end of this year (¶83).

Although the Commission may be within its bounds of discretion to defer the definition of primary and non-primary residential lines to a later order, Sprint is concerned that there are a number of implementation issues involved in PICCs – many of which were not apparent to Sprint until after the Order was released – that need to be resolved by the Commission if the PICC is to be a workable element of the access rate structure. It is raising these issues now, rather than awaiting the separate notice of rulemaking in the Universal Service docket, for two reasons: (1) many of these administrative issues go beyond simply defining primary and non-primary residential lines, and thus might be regarded by the Commission as outside the scope of its later rulemaking proceeding; and (2) the Commission needs to be made aware of these issues as early as possible, so that it can resolve them in time to place the new rate structure in effect on the scheduled January 1, 1998 date. The issues listed below consist only of those that Sprint has discerned since the issuance of the Order, and it may well be that additional issues will arise as the industry moves closer to imposing PICCs. The implementation issues Sprint has identified to date include:

1. Access Billing Verification Data. For purposes of verifying the access bills they receive from LECs, and also for purposes of determining how to pass through their access costs to their various customers, IXCs will necessarily need to know, on a customer-by-customer basis, how many PICCs, and what kind of PICCs, are being assessed for each of their prescribed customers. This is true for both residential and multi-line business market segments. In the case of residential customers, because of the different levels of PICCs, IXCs may well choose to differentiate their residential rates as between primary and non-primary lines, and thus they need to know which type of PICC is being assessed for each of their residential subscribers. With respect to multi-line business customers, IXCs today have no visibility to the number of lines that are presubscribed to them. In a typical multi-line business customer configuration, there may be a special access facility from the PBX to the IXC POP that handles all of the customer's outgoing long distance calls.¹ In addition, there are local business lines – considerably fewer in number than the number of stations behind the PBX – connecting the PBX to the LEC end-office. Although these trunks may be PICed to a particular IXC, they carry no outgoing traffic, and the IXC has no knowledge of how many such lines even exist. With the advent of the PICC, some IXCs may even try to persuade their high-volume customers to PIC their local business lines to another IXC, so as to shift the PICC

¹ In the case of high volume customers, it is not uncommon to use services of more than one IXC, and thus there may be special access lines from the PBX to more than one IXC's POP.

costs to their rivals. The only way IXCs can guard against such a practice is to receive customer-by-customer PICC data so that they can pass through the PICCs directly to their customers.

2. 2-PIC PICC. In instances where a LATA encompasses territory in more than one state, a consumer may have more than one carrier handling interexchange interstate calls: one carrier for intraLATA interstate calls, and another carrier for interLATA interstate calls. Because of variations in the calling patterns of particular subscribers, there may be some subscribers who make more intraLATA interstate calls than interLATA interstate calls. The Order does not address which of the two carriers should pay the PICC or, alternatively, how the PICC should be divided between the two carriers. Having the PICC levied on the interLATA interstate PIC is probably the most workable solution.

3. LEC Administration of Multiple Residential Lines. As Sprint pointed out in its January 29, 1997 comments in this proceeding (at 17), it may be difficult for a local exchange carrier to know whether multiple lines going into a premises are for the same family unit or whether, for example, they are separate lines for different family units that happen to be sharing the dwelling. And it may be easy for consumers to avoid the higher charges associated with non-primary lines by having their second or additional lines billed to different family members at the same address. Thus, the PICCs (and for that matter, the SLCs) associated with non-primary residential lines may not generate the additional revenue anticipated by the Commission.

4. Assignment of Primary and Non-Primary Residential Lines to IXCs. In cases where a residential subscriber has more than one line, and the lines are PICed to different IXCs, there is no guidance in the Order as to how the LEC should determine which line is primary, and which line is non-primary. Nor is it even clear whether the Commission intended to leave this choice to the LEC, instead of, e.g., contemplating that the residential subscriber would be allowed to make these designations. If and when the RBOCs are allowed to offer in-region interLATA services, it is not beyond the imagination that, in cases where residential subscribers have one line PICed to the RBOCs' long distance affiliate and another line PICed to a different IXC, they would tend to designate, as "their" line, the one with the lowest PICC, so as to burden the competing long distance carriers with higher costs. One possible rule to clarify this issue, at least for some residential subscribers, would be to designate the first-installed line as the primary line. However, such a rule would not take care of situations in which the residential subscriber orders multiple lines at the outset. Moreover, such a rule, in the context of universal service, would guarantee that in cases where a customer has two lines, one from an ILEC and one from a CLEC, the ILEC, rather than the CLEC, would receive USF support. Such a result would clearly be unfair to CLECs.

The Commission needs to make clear its expectation that LECs will supply IXCs the information they need in order to verify their access bills and determine their access costs of serving their customers. In addition, the Commission needs to establish rules for administering PICCs in order to ensure that all IXCs are treated fairly.

II. SLC AND PICC RATE DEVELOPMENT

Section 69.152 of the Rules provides that the SLCs are to be determined by dividing projected revenues by projected subscriber lines after the transition from projected revenue requirement (Section 69.152(b)(2)). However, Section 69.153, which sets forth the rules for developing the PICCs, appears to base the PICC on base period revenues, divided by projected loops.

Sprint would like to point out first that the use of base period revenues and projected demand would have the effect of forcing the PICC charges downward each year as the number of loops increases. This effect is illustrated in the chart appended as Exhibit A. Obviously, the LECs' loop costs can be expected to increase in proportion to the number of loops. If the basis of calculation is not changed, the PICC will never recover the growth in loop costs. Instead, the PICCs will decline year to year, requiring more non-traffic-sensitive costs to be recouped through usage charges. This would frustrate the Commission's fundamental goal of restructuring access charges on a more cost-causative basis.

Additionally, Sprint disagrees with the use of projected annual revenues in the rate development of both SLCs and PICCs. The use of base period revenues and base period demand in the rate development of PICCs and SLCs after the transition from revenue requirement is a more effective calculation. This methodology is consistent with all other rate development calculations included within the current price cap rules. This methodology also minimizes the LECs' opportunity to influence the rate levels of these services.

As usual, the most contentious issue in the 1997 annual price cap filing centered around the use of projected Base factor portion. If the Commission fails to amend these rules to use base period revenues and demand, these same issues will be expanded to include the rate development of SLCs and PICCs in each future access filing.

III. SHIFTING OF COSTS FROM THE TIC TO DEAVERAGED TRANSPORT RATES

In ¶227, the Commission directed LECs that engage in density zone pricing of transport to remove from the TIC an amount equal to the differential between higher density and lower density rates, and reassign this amount to direct-trunked transport and tandem-switched transport subcategories. This reassignment is required for carriers that have already deaveraged their rates and is required again anytime a carrier initiates density zone pricing or increases the differential between high density and low density rates. Sprint assumes that the amount of costs to be removed from the TIC is equal to the differential between high and low density rates for a particular type of transport (e.g., a DS1) times the low-density demand quantity.

Taking these costs out of the TIC and requiring them to be recovered through changes in direct trunking or tandem switched transport rates means that the LECs must recover these revenue requirements through across-the-board increases in both high-density and low-density transport rates. Otherwise, if the LEC tried to recover these increased trunking costs from only low-density rates, it will have increased the rate differential, thereby triggering a second removal of costs from the TIC. This runs against the very purpose of density-based deaveraging, by in effect forcing the LEC to raise high-density rates above costs to recover costs attributable to low-density areas. Moreover, the

Commission's rule would discourage ILECs who have not yet implemented density-zone pricing from instituting such pricing until after the residual TIC is eliminated.

Indeed, the predicate for requiring such costs to be removed from the TIC is the Commission's belief (see ¶¶225-226) that special access rates (on which switched transport rates are based) did not fully reflect the costs of switched transport in low density areas. Consistent with that predicate, the Commission should either not require any costs to be removed from the TIC or, failing that, should allow these costs to be recovered in low-density rates, and should permit exogenous adjustments to low-density SBIs for that purpose.

IV. COMPUTATION OF TANDEM-SWITCHED TRANSPORT RATES

Sprint urges the Commission to reconsider its determination in ¶¶206-209 to require tandem-switched transport rates to be based on the LEC's actual average circuit utilization between its tandem switches and its end-offices, in place of an assumed utilization of 9000 minutes per month per trunk. The utilization of trunks between tandem switches and end offices is solely in the LECs' control. If they over-trunk, and thereby drive utilization down, they can force IXCs to pay for this excess capacity. Conversely, IXCs have no control over the costs of tandem-switched transport. Thus, the Commission should continue to base tandem transport rates on a reasonable assumed utilization.

If the Commission fails to grant Sprint's petition on this point, it should, at the very least, give LECs the option of continuing to use 9000 minutes per trunk as a utilization factor. Many LECs may find it burdensome to calculate their actual

utilization, and may prefer to use the present 9000 minutes per month instead. There is no reason why such LECs should not be permitted to do so.

V. ISP EXEMPTION

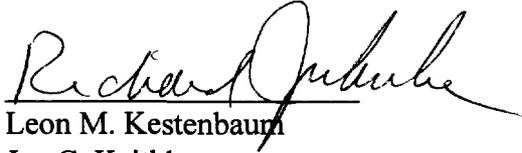
The Commission observed in ¶¶341-342 that its past policy has been that information (or enhanced) service providers should not be required to pay access charges other than subscriber line charges. The Commission appears to have decided to continue this long-standing ISP exemption. Thus, in ¶345, the Commission stated: “we decide here that ISPs should not be subject to interstate access charges.” In ¶344, the Commission held: “we conclude that the existing pricing structure for ISPs should remain in place, and incumbent LECs will not be permitted to assess interstate per-minute access charges on ISPs.” Sprint is concerned that the second phrase in the sentence quoted in ¶344 – that LECs will not be permitted to assess interstate “per-minute” access charges on ISPs – may, by implication, lead LECs to believe that they are permitted to assess the flat-rated PICCs on ISP lines. If they are allowed to do so, that would be a pro tanto revocation of the ISP exemption that the Commission quite clearly stated, in ¶345, it intended to continue in effect. There is nothing in the Order to suggest that the Commission intended to partially remove the exemption of ISP lines from access charges, and certainly no rationale for doing so was presented. Therefore, the Commission should clarify that no interstate access charges, other than the SLC, are applicable to local business lines used by enhanced service providers.

CONCLUSION

Sprint urges the Commission to reconsider and clarify its order consistent with the arguments outlined above.

Respectfully submitted,

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A handwritten signature in cursive script, appearing to read "Richard Juhnke", is written over a horizontal line.

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Projected vs. Historical Demand

- A simplified example illustrates that the use of projected demand, but not projected costs, in the new structure robs the LEC of access line growth.

Projected Demand

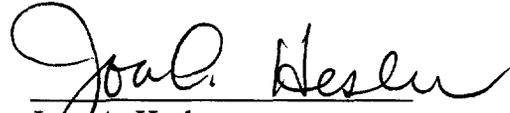
Base Period Revenue	\$1000	\$1000	\$1000	\$1000
Projected Demand	100	110	121	133
Common Line Pool/Line	<u>\$10</u>	<u>\$9.09</u>	<u>\$8.26</u>	<u>\$7.52</u>
Common Line Pool/Line	\$10	\$9.09	\$8.26	\$7.52
Actual Demand	100	110	121	133
Actual Revenue	<u>\$1000</u>	<u>\$1000</u>	<u>\$1000</u>	<u>\$1000</u>

Historical Demand

Base Period Revenue	\$1000	\$1099	\$1209	\$1330
Base Period Demand	91	100	110	121
Common Line Pool/Line	<u>\$10.99</u>	<u>\$10.99</u>	<u>\$10.99</u>	<u>\$10.99</u>
Common Line Pool/Line	\$10.99	\$10.99	\$10.99	\$10.99
Actual Demand	100	110	121	133
Actual Revenue	<u>\$1099</u>	<u>\$1209</u>	<u>\$1330</u>	<u>\$1462</u>

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition for Expedited Reconsideration and Clarification of Sprint Corporation was Hand Delivered or sent by United States first-class mail, postage prepaid, on this the 11th day of July, 1997 to the parties on the attached service list:


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