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**Via Email and ECFS**

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Lisa Griffin, Esq. (lisa.griffin@fcc.gov)  
Federal Communications Commission  
445 12th Street, SW  
Washington, D.C. 20554

**Re: Sprint Communications Co. L.P. v. North County Communications Corp.  
File No. EB-14-MD-014**

Dear Mr. DeLaurentis and Ms. Griffin:

Sprint Communications Company L.P. ("Sprint") provides its response to North County Communications Corp.'s ("NCC") July 2, 2015, letter.

NCC has failed to provide any substantive response to the questions that you asked. Those questions, and Sprint's responses, follow:

- *What opinions/topics in the expert report does North County believe must be subject to deposition, and why are those topics relevant to the case before the Commission?*

NCC has not identified any topics that it claims require a deposition of Mr. Wood. Instead, NCC suggests that the topics on which Mr. Wood provided opinion are inadmissible expert opinion and thus not relevant. Based on NCC's response, the Commission should decide that NCC has failed to demonstrate that a deposition is necessary, and should therefore deny NCC's request.

- *Also, did North County have the opportunity to take the deposition of Sprint's expert in the court litigation? If yes, why does North County need an additional deposition? If not, why didn't North County request to take the deposition in that proceeding, and why is it now necessary to take the deposition?*

NCC did have the opportunity to depose Mr. Wood during the discovery period in the underlying federal court case. NCC chose not to do so for reasons that it did not disclose in its July 2 response. NCC's decision that no deposition was necessary in the underlying federal court case, and its failure to respond to the question that you asked should compel the Commission to deny NCC's request.

- *In addition, North County states that it "may seek to introduce rebuttal testimony (e.g., Harold Furchgott-Roth's (sic) July 26, 2012 Rebuttal Report)." This document is not part of the current record. What is it, why is it relevant to the issues before the Commission, and why hasn't it been made part of the record?*

While NCC attached Mr. Furchtgott-Roth's Rebuttal Report, it failed to explain (1) why it is relevant, or (2) why it was not filed earlier. For this reason alone, the Commission should decline to consider the Rebuttal Report.

In addition, although NCC served the Rebuttal Report in 2012 in the underlying federal court case, the Rebuttal Report is not on NCC's trial exhibit list, and Mr. Furchtgott-Roth is not on NCC's witness list. Consequently, Sprint has assumed that this means either one of two things: (1) NCC has deemed Mr. Furchtgott-Roth's testimony to be irrelevant or unnecessary, or (2) Mr. Furchtgott-Roth is no longer willing to testify live to the opinions that he expressed in 2012. Regardless, NCC has provided no compelling reason to modify the procedural rules and allow NCC to submit evidence that it declined to submit in its response. *See* 47 C.F.R. § 1.724(g) (an answer in a FCC complaint proceeding shall attach copies of all documents upon which the defendant relies or intends to rely to support facts alleged and legal arguments made).

With respect to NCC's second paragraph, Sprint has not asserted that Mr. Wood's Expert Reports were filed with the District Court. Nor has Sprint placed the reports themselves on its exhibit list. Consistent with the rules that apply in federal court, Mr. Wood's opinions will be expressed orally at trial. Here, however, nothing prevents the Commission from considering Mr. Wood's reports as part of the written record. *See* 47 C.F.R. § 1.720 ("[f]ormal complaint proceedings are generally resolved on a written record").

Finally, NCC concludes by asking the Commission to order Sprint to withdraw objections to certain NCC statements of fact. This request is beyond the scope of Mr. DeLaurentis' June 26, 2015, email and should be disregarded. Moreover, NCC's demand is meritless. The Commission's rules require that NCC support any claimed facts with admissible evidence. 47 C.F.R. § 1.720(c). Sprint simply noted where NCC has failed to meet its burden of proof, and limited its objections to facts that Sprint believes are false, or cannot confirm are true. This is in line with the Commission's rules, and nothing in prior Correspondence suggests that Commission Rule 1.720(c) was suspended for purposes of this case.

Thank you for your consideration.

Sincerely,

/s Keith Buell

Keith Buell

cc: Dale Dixon, Esq.  
Bret Lawson, Esq.  
Phil Schenkenberg, Esq.