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

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In the Matter of	)	
	)	
Implementation of the Local Competition Provisions of the Telecommunications Act of 1996	)	CC Docket No. 96-98
	)	
Petition of Southwestern Bell Telephone Co., Pacific Bell, and Nevada Bell for Expedited Declaratory Ruling on Interstate IntraLATA Toll Dialing or, in the Alternative, Various Other Relief	)	NSD File No. 98-121

COMMENTS

Sprint Corporation hereby respectfully submits its comments opposing the above-captioned petition filed by Southwestern Bell, Pacific Bell, and Nevada Bell for waiver of the Commission's May 7, 1999 implementation date for intraLATA toll dialing parity. Pacific Bell and Nevada Bell state that they are unable to provide this capability any sooner than June 15, 1999, because of systems modifications necessary to provide full (interstate and intrastate) intraLATA toll dialing parity.

On March 23, 1999, the Commission released an Order in this proceeding (FCC 99-54) extending the deadline of February 8, 1999 for full implementation of intraLATA toll dialing parity. It stated (para. 7) that "no later than May 7, 1999, all LECs must implement intraLATA toll dialing parity plans already filed and approved by the state regulatory commission for each state in which the LECs provide telephone exchange service." Because the California PUC

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approved Pacific's toll dialing parity plan in April 1997, and the Nevada PSC approved the plan in May 1997,[1] Pacific Bell and Nevada Bell are subject to the FCC's May 7 deadline.

Petitioners have failed to make the showing necessary to justify a waiver of the May 7 implementation date. For example, although Petitioners included affidavits from two individuals charged with implementing intraLATA toll dialing parity, neither affidavit includes a time line (including an indication as to where in the implementation process Pacific and Nevada Bell are today), a description of the resources dedicated to this task, or even the number of lines affected by the waiver request.[2] It also is unclear whether Petitioners have taken into consideration the "learning curve" effect of implementing toll dialing parity.[3] Petitioners have not pleaded "with

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[1] See California PUC Decision No. 97-04-083, adopted April 23, 1997, and Nevada PUC Compliance Order, Docket No. 97-2010, adopted May 12, 1997.

[2] Even in testimony before the Nevada Public Utilities Commission, Nevada Bell was unable to describe in any detail the modifications to its support systems it claims are required, or why those modifications require 120 days to complete. See Testimony of Ms. Nancy Forst before the Nevada Public Utilities Commission on March 22, 1999 in Docket No. 98-11011, In the Matter of a Petition by AT&T Communications of Nevada, Inc., MCI Communications Corporation, and Sprint Communications Company L.P. for an Order Requiring Nevada Bell to Implement IntraLATA Equal Access by February 8, 1999, Transcript, pp. 59 – 70. Questioned by the Public Utilities Commission's Policy Advisor, Mr. Charlie Bolle, Ms. Forst was asked to describe in detail the work required to modify any one of the 41 operating systems she stated require modification before intraLATA toll dialing parity could be implemented:

Q.	Are you familiar enough with these to take one and run us through one of them as to what you have to do to make a change? Can you pick any one that you're familiar with or comfortable with and kind of walk us through what we're looking at, if you can do that?
A.	I don't know that my programming background is sufficiently detailed to give you chapter and verse. I can tell you that there are tables that need to be modified, edits that need to be made, and program changes that need to be modified. Is that enough detail, or - -
Mr. Bolle:	No. I mean no, not really, but we can't get any place from here.

[3] Petitioners note that they had originally prepared their networks for full 2-PIC intraLATA presubscription, but subsequently modified their systems to implement interstate-only

Footnote continued on next page

particularity the facts and circumstances"[4] which would support its requested waiver, and it is impossible, based on the information provided, to determine the extent to which Petitioners are genuinely unable to meet the May 7 deadline.

Furthermore, there can be no dispute over the consumer benefits associated with prompt implementation of intraLATA toll dialing parity. Every week's delay in the implementation delays California and Nevada consumers' ability to take advantage of less costly or more innovative services offered by competitive intraLATA toll carriers on a 1+ basis – an ability already enjoyed by consumers in 39 other states.[5] Sprint would note that Pacific seeks to delay these benefits even beyond the June 15, 1999 date at issue here. Pacific has stated that it will file a new dialing parity implementation plan with the California PUC on April 22, 1999, claiming that the toll dialing parity plan previously approved by the California PUC is invalid, since that plan assumed that intraLATA presubscription would occur only when Pacific was granted interLATA authority.[6] Even assuming that the plan does require intraLATA toll dialing parity only coincident with interLATA authority – an assumption unsupported by either the settlement

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intraLATA toll dialing parity (Petition, p. 3). Presumably, it will be less time consuming and confusing to reinstall full 2-PIC capability, since employees have already been through the process once and since some of the system modifications originally made may still be in place.

[4] *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (1969). The Commission can grant only those waiver requests which are fully supported and justified, and should consider only requests which are far more limited in scope than the two-state-wide (California and Nevada) petition at issue here.

[5] Of the 11 states where intraLATA toll dialing parity has not yet been implemented (*Order*, n. 21), 6 (Arkansas, California, Missouri, Nevada, Oklahoma and Texas) are served by Petitioners.

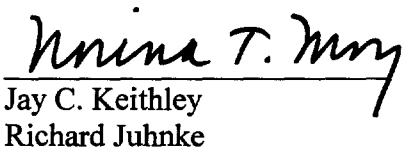
[6] *See* Petition, paras. 2-3; and Pacific Bell's Comments to the California PUC on the draft decision on dialing parity, In the Matter of Alternative Regulatory Frameworks for Local Exchange Carriers and Related Matters (IntraLATA Presubscription Phase), I.87-11-033, p. 2, filed April 6, 1999.

agreements on which the implementation plans were based, or the decisions adopting these settlement agreements -- it is not clear why additional systems changes would be necessary if the purported link between intraLATA toll dialing parity and interLATA authority were severed.[7] It is also not clear how Pacific can reconcile its decision to seek the instant waiver – indeed, the very fact that a waiver request was made constitutes acknowledgment by Petitioners that they are subject to the FCC's May 7, 1999 deadline – with its claim that the already-approved toll dialing parity plans are invalid and thus that they are actually subject to a later implementation schedule beginning April 22, 1999. What is clear is that if Pacific's ploy is successful, intraLATA toll dialing parity will be delayed for up to several months.

For the reasons cited above, the instant petition should be rejected.

Respectfully submitted,

SPRINT CORPORATON



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[7] Both the California and Nevada decisions adopting Petitioners' intraLATA toll dialing parity plan were made prior to the 8th Circuit Court's order vacating the FCC's intraLATA toll dialing parity rules as they applied to the intrastate jurisdiction. Thus, both state orders assumed as backdrop the FCC's original rules which required implementation of intraLATA toll dialing parity by February 8, 1999, regardless of whether the BOC had yet entered the long distance market.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Comments of Sprint Corporation was Hand Delivered or sent by United States first-class mail, postage prepaid, on this the 13th day of April, 1999 to the following parties:

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