Sprint

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Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: CC Docket No. 96-98

Dear Ms. Salas:

On December 2, 1999, Rich Morris, Kent Dickerson, and I met with Chris Barnekov, Jake Jennings, Rich Lerner, Chris Libertelli, Jonathan Reel, and Don Stockdale of the Common Carrier Bureau to discuss aspects of the Third Report and Order in the above-referenced docket. Sprint's presentation is summarized in the attached outline.

An original and one copy of this letter are being filed.

Sincerely,

Richard Juhnke

Attachment

cc (w/o attachment): C. Barnekov
J. Jennings
R. Lerner
C. Libertelli
J. Reel
D. Stockdale

POINTS TO COVER IN SPRINT'S 12/2 MEETING WITH THE FCC ON THE UNE REMAND ORDER

1. State additions to the national UNE list (¶ 154): we assume that a state can require the provision of an element that the FCC excluded from the national list (e.g., OS/DA, or local switching in Zone 1 offices for MLB customers) so long as the state applies § 51.317 and finds that requiring the UNE to be offered in that state is consistent with actual conditions in that state. Are we correct?

2. Subloop unbundling: the phrase "pursuant to state arbitration proceedings under section 252 of the Act," should be deleted from § 51.319(a)(2)(B) and (C). (See also ¶ 223.) Otherwise, RBOCs are likely to argue that CLECs must negotiate for 135 days before going to the state commission. Such a delay is unnecessary. If the RBOCs claim a lack of technical feasibility, or refuse to implement a best practice, there's nothing to "negotiate." Instead, the burden should be on the ILECs to obtain affirmative state approval for their refusals (e.g., by requesting a waiver or other appropriate relief).

3. Loop conditioning costs (¶ 193): the Commission needs to give more explicit guidance to the states on ILEC recovery of loop conditioning costs so as to avoid double recovery. For example, ILEC prices for loop UNEs may already reflect the higher costs associated with "clean" copper loops. Also, some ILECs have announced they are spending large sums to upgrade their networks to be more DSL-capable; should they impose hefty NRCs on CLECs to recover costs they are incurring anyway? And what about customer churn: a CLEC may pay hundreds of dollars for loop conditioning, then lose the customer back to the ILEC then next month.

4. Local switching restriction: § 51.319(c)(1)(B), which creates the exception in Zone 1 offices, fails to include the requirement that the ILEC must make the EEL available (see ¶ 288).

5. Packet switching: need to clarify the "spare copper" condition in § 51.319(c)(3)(B)(ii) (see also ¶ 313) to make clear that an economically viable amount of spare copper should be available before the CLEC should be expected to collocate.

6. Packet switching: need to clarify the point of subloop interconnection in § 51.319(c)(3)(B)(iii) by changing "at" to "in," to avoid the implication that a CLEC would have to show not only that it cannot collocate in the remote terminal, but also that it cannot build a remote terminal adjacent to the ILEC's, before it could get access to the packet switching UNE.

7. Packet switching: we want broader availability of packet switching as a UNE. The FCC's discussion of this issue in ¶¶ 306-317 fails to reflect marketplace realities in small offices. Although data CLECs may be close to an equal footing with ILECs in

large cities, Sprint estimates that collocation for broadband service is not economically feasible in 7/8 of the nation's end offices.

8. Transport: we assume the rejection in ¶ 324 of Sprint's request for SONET rings would not preclude us from obtaining such rings as UNEs where they are in place and offered through tariff.

9. Combinations of elements (¶ 479): the Order refuses to clarify § 315(b) because of the Eighth Circuit proceedings, but those proceedings only involve (c)-(f). The FCC should put to rest the RBOCs' argument that "currently combined" must be applied on a customer-by-customer basis. The RBOC approach means, for example, that a CLEC cannot provide local service through the UNE-P to a customer that has just moved into an area, because the elements needed to serve that customer haven't yet been combined by the ILEC. Such a result gives the ILEC a competitive advantage and imposes additional and unnecessary costs on the CLEC.