

Federal Communications Commission
Washington, D.C.

February 2, 2000

Jay C. Keithley
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DOCKET FILE COPY ORIGINAL

Re: Acceptance of Comments As Timely Filed in (Docket No. 96-45)

The Office of the Secretary has received your request for acceptance of your pleading in the above-referenced proceeding as timely filed due to operational problems with the Electronic Comment Filing System (ECFS). Pursuant to 47 C.F.R. Section 0.231(I), the Secretary has reviewed your request and verified your assertions. After considering arguments, the Secretary has determined that this pleading will be accepted as timely filed. If we can be of further assistance, please contact our office.

FEDERAL COMMUNICATIONS COMMISSION

for 
Magalie Roman Salas
Secretary

Sprint

January 20, 2000

By hand Delivery
Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

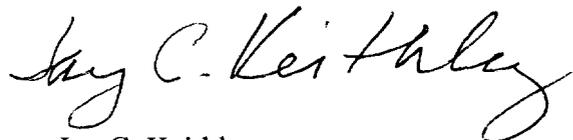
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JAN 20 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: Motion to accept filing as timely filed

Dear Ms. Salas,

Sprint corporation hereby motions the Commission to accept the attached Comments of Sprint Corporation, CC Docket 96-45, In the Matter of Federal State Joint Board on Universal Service: Common Carrier Bureau request to Redefine Voice Grade Access For Purposes of Federal Universal Service Support, as timely filed. Sprint attempted to file its comments on the 19th of January, the date on which such comments were due to be filed, however, the Electronic Filing System server was not functioning properly and electronic transmission of the comments was not possible. Sprint appreciates your consideration in this matter.

Respectfully,
Sprint Corporation



Jay C. Keithley

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OK

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554[SC1]**

RECEIVED

JAN 20 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Federal-State Joint Board on)
Universal Service: Common Carrier)
Bureau Request to Redefine "Voice Grade)
Access" For Purposes of Federal Universal)
Service Support)

CC Docket No. 96-45

Comments of Sprint Corporation

Sprint Corporation hereby respectfully submits its comments on the Commission's Public Notice released December 22, 1999, requesting comment on a proposed redefining of "voice grade access" in Section 54.101 of the Commission's rules to specify a higher bandwidth. The Commission's proposed change responds to requests by state commissions and the Rural Utilities Service (RUS)¹ asking the Commission to expand its definition of voice grade access to specify a minimum frequency of 300 Hz – 3400 Hz or 3500 Hz from the existing 300 Hz to 3000 Hz specified today.² As discussed below, Sprint urges the Commission to retain its existing definition of voice grade access and allow the market, rather than regulatory mandate, to dictate technological solutions for and specific levels of broadband service distribution.

¹ See Petition for Reconsideration of the North Dakota Public Service Commission, Petition for Reconsideration of the South Dakota Public Utilities Commission, and Petition for Reconsideration of the Washington Utilities Commission, CC Docket Nos. 96-45, 96-262, 94-1, 91-213, 95-72 (Feb. 12, 1998); Ex Parte presentation of the Rural Utilities Service, dated January 27, 1998.

² 47 C.F.R. § 54.101.

Sprint commends the Commission in its efforts to encourage telecommunications service providers to reach rural America and establish universal service; however, as the Commission itself observed in its Public Notice,³ while bandwidth affects the speed at which modems operate, modem performance is a function of several factors, only one of which is bandwidth. Thus, even were the current minimum frequency to be expanded to 3400 Hz or 3500 Hz, as the RUS and state commissions propose, this would not ensure improved modem performance. The Commission's efforts would be better focused on facilitating the rapid development of new, more effective technologies, rather than mandating further investment in older technology such as copper twisted pair.

Recognizing the shortcomings of existing infrastructure, Sprint has endeavored to expand the reach of broadband services to rural America, through its purchase of MMDS-licensed companies. Other companies have also recognized the need to rely upon a mix of technologies to maximize the availability of broadband access.⁴ Sprint's MMDS properties tend to be located in suburban and rural markets, allowing access to residential and small business users located outside of the cities. And, while access to telco xDSL service elements will still be necessary to permit full coverage, MMDS can readily reach users served by loops longer than 18,000 feet or those behind DLCs. Systems developers have recently expressed great enthusiasm for MMDS' ability to reach customers in

³ Public Notice, DA 99-2895 (Dec. 22, 1999).

⁴ See, e.g., ISP news, "Quest to Launch Broadband Services" (Oct. 21, 1999) <rcrnews.com/cgi-bin/sm40i.exe?docid=1--:84873&%70aramArticleid=10400>(describing Qwest's planned mix of fiber, fixed wireless and DSL for broadband); Wall Street Journal, L. Cauley, "AT&T's Plans for Cable Deals Suffers Setbacks" (Oct. 25, 1999) (describing AT&T's plans to use DSL and fixed wireless in markets where it does not have cable access).

congested urban markets and in rural markets underserved or unreachable through wireline systems or wireless services in the higher frequency bands.⁵

As the Commission recognized in its Public Notice, an increase in the frequency requirement for voice grade access might have the unintended affect of encouraging substantial investment in the public switched telephone network to enhance analog performance to the detriment of investment in broadband networks, such as MMDS. Funds, research, and infrastructure development might be redirected from new and potentially more effective transmission media to upgrade existing infrastructure. The market, not regulation, should determine the deployment of advanced telecommunications systems.

The Commission assessed the availability of advanced telecommunications capabilities in its annual report, concluding that “although the consumer broadband market is in the early stages of development, it appears, at this time, that deployment of broadband capability is reasonable and timely.”⁶ In this report, the Commission evaluated “reasonable and timely” by looking at the investment in broadband facilities, the extent to which last mile facilities have actually been deployed, deployment to “all Americans” and the state of demand. Moreover, it declined to broaden its universal

⁵ See Cisco Press Release, “Cisco Drives industry Standards for Broadband Wireless Internet services” at 2-3 (Oct. 26, 1999), biz.yahoo.com/bw/991026ca_cisco_s_l.html (quoting statement of Yougsoo Ryu, executive vice president, Samsung: “[MMDS standardization] dramatically changes the global availability of broadband Internet services. By eliminating requirements for wireline networks from the service provider to the home, we will accelerate the introduction and adoption of broadband services throughout the world,” statement of Dr. Henry Samueli, co-founder, Broadcom: “We consider this technology innovative and clearly capable of accelerating universal access to wireless broadband Internet services worldwide.”

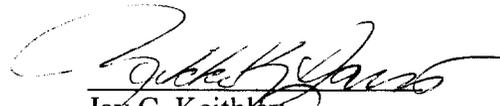
⁶ CC Docket No. 98-146, Released February 2, 1999, paragraph 16.

service programs past the original Universal Service Order which established support greater than voice grade only for schools, libraries and rural health care providers.⁷

As demand for greater capacity increases, so does the incentive for service providers to meet that demand. Clearly, industry is advancing at an incredible pace, launching new technologies and enhancing services daily. Industry should be permitted to meet the market's demand in the most effective way possible and should not be constrained by regulatory mandate that, rather than improve access to advanced services, may ultimately serve to impede the development of the very technology that would offer improved access.

Respectfully submitted,

SPRINT CORPORATION



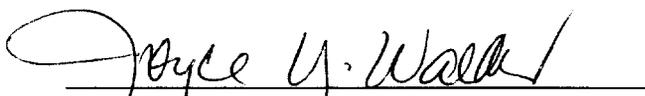
Jay C. Keithley
Rikke K. Davis
401 9th Street, Northwest, Suite 400
Washington, DC 20004
(202) 585-1919

January 19, 2000

⁷ Id. at paragraph 73.

CERTIFICATE OF SERVICE

I, Joyce Y. Walker, hereby certify that I have on this 20th day of January, served via U.S. First Class Mail, postage prepaid, or Hand Delivery, a copy of the foregoing "Comments of Sprint Corporation," In the Matter of Federal-State Joint Board on Universal Service: Common Carrier Bureau Request to Redefine "Voice Grade Access" For Purposes of Federal Universal Service Support, CC Docket No. 96-45; filed this date with the Secretary, Federal Communications Commission, and to the persons listed below.



Joyce Y. Walker

ITS
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Washington, DC 20037

Sheryl Todd (3 copies)
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Washington, DC 20554

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