

**Before the  
Federal Communications commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Implementation of the Local Competition Provisions of the Telecommunications Act of 1966	)	CC Docket No. 96-98
	)	
Intercarrier Compensation for ISP-Bound Traffic	)	CC Docket No. 99-68
	)	

**COMMENTS OF SPRINT CORPORATION IN SUPPORT OF CORE COMMUNICATIONS, INC.’S PETITION FOR PARTIAL STAY**

Sprint Corporation (“Sprint”) hereby submits the following comments in support of the petition for partial stay filed by Core Communications, Inc. (“CoreTel”) on June 1. Sprint shares CoreTel’s concern that CLECs that seek to enter a new market will be seriously disadvantaged *vis-a-vis* incumbent providers, unless the growth and new market provisions adopted in *Implementation of Local Competition Provisions in the Telecommunications Act of 1996; Intercarrier Compensation for ISP-Bound Traffic*, FCC 01-131, CC Docket Nos. 99-98 and 99-68 (rel. Apr. 27, 2001) (“Order”) are stayed.<sup>1</sup>

Sprint is likely to face the same sort of irreparable injury that CoreTel (and possibly many other CLECs) will endure unless the Commission issues a stay. Sprint has long served ISPs using ISDN-PRI facilities, obtained through the enhanced services access exemption, that do not entitle it to receive reciprocal compensation. However, Sprint recently has begun to transition to a new and far more cost efficient network architecture. Under the new network architecture, Sprint would interconnect with other

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<sup>1</sup> Sprint has sought judicial review of that Order. *See* Sprint Petition for Review (No. 01-1229) (filed May 25, 2001).

local carriers as a CLEC and, but for the growth and new market restrictions, would qualify for intercarrier compensation. Sprint's decision to deploy this new network architecture was not made in order to capitalize on "regulatory arbitrage" (*cf.* Order at ¶ 81), but rather to facilitate network and cost efficiencies. Indeed, Sprint would have been content with a decision that applied bill-and-keep across the board.<sup>2</sup> Nevertheless, as long as incumbent CLECs are entitled to receive compensation, while Sprint and other new entrants are not, serious competitive inequities result. As CoreTel explains in its petition (p. 30), these inequities could not be adequately compensated and thus constitute irreparable injury.

Further, for the reasons set forth in CoreTel's Petition, Sprint believes that CoreTel is likely to prevail on the merits of its claim and has adequately demonstrated that issuance of a stay will not cause harm to other parties. Finally, Sprint agrees with CoreTel that the public interest would be served by issuing a partial stay.

Because CoreTel's petition for partial stay meets all of the requirements for issuance of a stay,<sup>3</sup> Sprint supports CoreTel's petition and urges the Commission to stay the growth cap and new market prohibition provisions pending judicial review.

Respectfully Submitted,

/s/Susan E. McNeil

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<sup>2</sup> See, e.g., Sprint's *ex parte* letter dated December 6, 2000 in CC Docket Nos. 96-98 and 98-185; WT Docket No. 97-207.

<sup>3</sup> See *Virginia Petroleum Jobbers Association v. FPC*, 259 F.2d 921, 925 (D.C. Cir. 1958, as modified in *Washington Area Metropolitan Area Transit Commission v. Holiday Tours, Inc.*, 559 F.2d 841, 843 (D.C. Cir. 1977).