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Before the  
Federal Communications Commission  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Petition of Core Communications, Inc.	)	
For Waiver of the	)	CPD Docket No. 01-20
Growth Cap/New Market Bar Provisions	)	
In Delaware, New York and Pennsylvania	)	
	)	
Implementation of the Local Competition	)	CC Docket No. 96-98
Provisions of the Telecommunications	)	
Act of 1966	)	
	)	
Intercarrier Compensation for	)	CC Docket No. 99-68
ISP-Bound Traffic	)	

### OPPOSITION OF SPRINT CORPORATION

Sprint Corporation ("Sprint") hereby submits its Opposition to the Petition for Waiver filed by Core Communications, Inc. ("Core") on August 17, 2001<sup>1</sup> of the growth cap and new market provisions adopted by the Commission in *Implementation of Local Competition Provisions in the Telecommunications Act of 1996; Intercarrier Compensation for ISP-bound Traffic*, FCC 01-131, CC Docket Nos. 99-68 and 96-98 (rel. Apr. 27, 2001) ("*Order*"). While Sprint shares Core's underlying concern that the growth cap and new market rules adopted by the Commission discriminate against new entrants, Sprint believes that these discriminatory provisions cannot adequately be addressed through individual waiver requests, such as the one filed by Core. Rather, such inequities should be addressed through a blanket repeal of the growth and new market provisions.

<sup>1</sup> *Petition of Core Communications, Inc. for Waiver of the Growth/New Market Bar in Delaware, New York and Pennsylvania*, CPD Docket No. 01-20 (Aug. 17, 2001).

Indeed, Sprint has joined WorldCom and numerous other parties in challenging the growth cap and new market issue before the D.C. Circuit Court of Appeals.<sup>2</sup>

Core argues that relief is warranted because the growth cap and new market provisions unfairly restrict Core's ability to collect reciprocal compensation that it would otherwise be entitled to receive and could thereby limit Core's ability to offer innovative, competitive offerings to the public. Core notes that these provisions were not contemplated by the Commission when Core began its plans to initiate service to communities in Delaware, New York and Pennsylvania. Core further states that it has invested substantial financial and technical resources in preparing to enter those markets, in reliance on the regulatory scheme in place at that time. Core also asserts that Verizon's negotiating tactics further delayed its market entry. Core therefore asserts that there is good cause for the Commission to grant Core a one-year waiver of the growth and new market rules.

As noted above, Sprint shares Core's view that the growth cap and new market provisions unfairly discriminate against new entrants. As Sprint previously has advocated, serious competitive inequities result where incumbent CLECs are entitled to receive compensation that others are not. Sprint does not believe, however, that such inequities are best resolved on a case-by-case basis. A wide variety of circumstances could account for the timing of any particular CLEC's market entry -- some hotly contested.<sup>3</sup> Sorting through the factual issues surrounding each individual circumstance in order to achieve equity simply cannot cure the inherently inequitable results caused by

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<sup>2</sup> *Worldcom et al. v. FCC*, Case No. 01-1218 *et al.*

<sup>3</sup> Sprint would expect, for example, that Verizon would dispute Core's contention that unfair negotiation tactics caused Core's delayed market entry.

the implementation of the growth cap and new market provisions. Rather, as Sprint has advocated, such inequities should be resolved through a blanket repeal of the growth cap and new market provisions.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Susan McNeil", written in a cursive style.

Susan E. McNeil  
Richard Juhnke  
Sprint Corporation  
401 9<sup>th</sup> Street, N.W., Suite 400  
Washington, DC 20004  
(202) 585-1934

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