

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Numbering Resource Optimization	)	CC Docket No. 99-200
	)	
Implementation of the Local Competition	)	CC Docket No. 96-98
Provision of the Telecommunications	)	
Act of 1996	)	
	)	
Telephone Number Portability	)	CC Docket No. 95-116
	)	

**REPLY COMMENTS  
OF  
SPRINT CORPORATION**

Sprint Corporation, on behalf of its local, long distance and wireless operations, hereby respectfully submits its reply to comments filed in the above-captioned proceeding on May 6, 2002.

Sprint supports local competition, including in rural areas. In fact, Sprint's incumbent local exchange carrier companies, the vast majority of which are rural under the Telecommunications Act of 1996, have, in negotiating section 251(c) interconnection agreements, chosen not to exercise exemption rights available to them under section 251(f) of the Act. Nevertheless, Sprint opposes unnecessary expansion of Local Number Portability (LNP) and Thousands-Block Number Pooling (TBNP) requirements. Sprint agrees with those parties who demonstrated in their comments that the Commission should not require deployment of LNP and TBNP in the top 100 MSAs without a specific

bona fide request.<sup>1</sup> Sprint also agrees with those parties who oppose expansion of deployment requirements beyond the original top 100 MSA list to include CMSAs.<sup>2</sup> The costs of such requirements cannot be justified by any perceived benefit. Consumers, who will be required to absorb most of these costs, should not be required to fund federal mandates that don't produce tangible benefits.

In addition, Sprint agrees with those parties that point out the need, highlighted by issues raised in this proceeding, for forbearance, or at least a deferral, of the implementation of wireless LNP. The fact that there is such a wide range of opinions in the opening comments as to the applicability of the wireless LNP deployment requirements underscores the significant confusion surrounding LNP deployment, despite the fact that only six months remain until wireless LNP. The comments establish further justification for delay of wireless LNP until this issue is resolved.

As noted by USTA, the FCC appropriately determined in March of 1997 that LECs should be required to deploy LNP in switches in a top 100 MSA *only* after receipt of a specific request from another carrier that plans to provide service in the area.<sup>3</sup> The same reasoning that compelled that conclusion in the *Telephone Number Portability Order* remains valid today. LNP should be required in areas where LNP is actually needed – where carriers have expressed an interest in competing in the local market -- and expenditures to implement LNP should be avoided in areas in which competitors have not expressed a need. Sprint agrees with the New York Department of Public

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<sup>1</sup> USTA at 2, NTCA at 3, NYDPS at 2, Independent Companies at 2, NECA/NRTA/OPASTCO at 2, TDS at 2-3.

<sup>2</sup> NECA/NRTA/OPASTCO at 3, TDS at 4-5.

<sup>3</sup> Telephone Number Portability, CC Docket No. 95-116, *First Memorandum Opinion and Order on Reconsideration*, 12 FCC Rcd 7236, 7273 (1997)(*Telephone Number Portability Order*).

Service, which succinctly stated: “Ensuring the benefits of LNP in these larger markets, while at the same time not requiring it to be available without a bona fide request from another carrier in the smaller markets, balances the needs of consumers and the industry.”<sup>4</sup>

Sprint’s local telephone companies have deployed LNP in 245 switches residing within the top 100 MSAs, where carriers have requested LNP.<sup>5</sup> Sprint has four local switches, located in rural communities on the outskirts of two of the top 100 MSAs, for which there are no pending bona fide requests for LNP. Absent a request for LNP in those switches, LNP deployment expenditures would be wasteful. Similarly, with respect to TBNP, expending the significant costs to implement the ability to pool numbers in areas where there are no other carriers with which to pool numbers, and therefore, no ability to effect number conservation, is pointless in Sprint’s view.

Those parties favoring the imposition of expanded LNP and TBNP requirements merely recite the benefits of LNP and TBNP generally, without any regard whatsoever to the question that is at the heart of this particular proceeding: will the significant expense associated with the deployment LNP and TBNP in largely rural telephone exchanges, absent a request, produce *any* tangible benefits for competition or consumers. For example, WorldCom states: “To promote competition and numbering resource optimization, WorldCom recommends that the Commission extend LNP and pooling requirements to all carriers.”<sup>6</sup> WorldCom continues: “By maintaining the widest possible

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<sup>4</sup> NYDPS at 2 (fn. 3).

<sup>5</sup> Sprint’s local telephone division operates 369 switches that reside in the top 100 MSAs. 245 of those have received bona fide requests and are LNP capable. Another 120 of those switches are LNP ready (software loaded), but have not received bona fide requests.

<sup>6</sup> WorldCom at 1.

implementation of LNP, the Commission will prepare the way for competition from wireless and other providers.”<sup>7</sup> Such blanket statements do not justify imposing LNP and TBNP requirements indiscriminately, without demonstrable need and without demonstrable benefit. Far more than the availability of LNP is required to facilitate CLEC entry, and a rule that requires deployment within six months of a bona fide request, is more than adequate to prepare the way for competition in this regard. CLECs know the rule (Indeed, CLECs have been aware of the rule for several years!) and can develop entry plans accordingly, without, as WorldCom would have it, requiring needless expenditures by ILECs.

Sprint wholeheartedly agrees with the FCC’s previous conclusion that “limiting deployment to switches in which a competitor expresses interest in number portability will address the concerns of smaller and rural LECs with end offices within the top 100 MSAs that they may have to upgrade their networks at significant expense even if no competitor desires portability.”<sup>8</sup> Sprint offers the following real-world situation as a case in point.

Sprint’s local telephone division is embarking on a significant program of network improvements to address the expanding telecommunication needs of its customers. Sprint’s Circuit to Packet (C2P) conversion is a project that will accelerate the replacement of Sprint’s Time Division Multiplexed (TDM) circuit switched network with packet technology. The conversion to a 100% packet network will begin in the First Quarter of 2003. A byproduct of the conversion will be LNP capability. As mentioned earlier, Sprint’s local division has four switches within a top 100 MSA where there is no

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<sup>7</sup> WorldCom at 2.

<sup>8</sup> *Telephone Number Portability Order* at ¶59.

pending LNP request.<sup>9</sup> All of the switches reside in small, rural communities. They are a significant distance, roughly 25-30 miles, from the urban centers of the MSAs and are in traditionally slow growth areas. If the Commission were to require LNP without regard to the existence of a bona fide request, Sprint would be forced to undertake costly network replacements for these switches that would be in place for a short duration until the planned packet switching conversion takes place. The replacement costs necessary to enable LNP to span the gap between the first generation digital switches and the C2P conversion are significant.<sup>10</sup> This cost cannot be justified, particularly given the short amount of time the replacement would be in place until C2P conversion and, in particular, given the lack of a request for the capability from a carrier. Sprint urges the Commission to weigh these substantial real world implications against the purported benefits suggested by those who favor the expansion of LNP and TBNP requirements.

For the same reasons Sprint opposes expanding deployment within the top 100 MSAs absent a bona fide request, Sprint opposes expanding the deployment requirement to include the newly designated top 100 MSA list that incorporates combined MSAs or so-called CMSAs. NECA, NRTA, and OPASTCO point out that expansion of the

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<sup>9</sup> Implicated switches:

<u>Location</u>	<u>MSA</u>	<u>Type</u>	<u>Lines</u>	<u>C2P Date</u>
Newport, PA	Harrisburg	Alcatel 1210	4,049	10/03
Loysville, PA	Harrisburg	1210 RLS	2,727	8/03
New Bloomfield, PA	Harrisburg	1210 RLS	5,455	9/03
Jamestown, IN	Indianapolis	Alcatel 1210	2,088	10/02

The Jamestown switch is being converted to provide LNP and other features with an in-service date for the project of October 12, 2002 – this is not the planned C2P conversion date for Jamestown.

<sup>10</sup> For example, Loysville and New Bloomfield are remote switches off of the Newport host. In order to deploy LNP capability for this complex, Sprint would be forced to replace the first generation digital Alcatel switches in Loysville, New Bloomfield, and Newport with Nortel Sonet RSCs subtending a Nortel DMS 100/200 switch in Carlisle, PA. Sprint estimates the cost of this project to be between \$5 and 6 million.

requirement to include the new CMSA designations would increase the number of implicated study areas from 291 to 303 and that in the vast majority of implicated switches there have been no requests for number portability capability.<sup>11</sup> NECA, NRTA, and OPASTCO conclude, “requiring LNP implementation in these areas will not stimulate competition, but instead only cause small ILECs to expend funds needlessly.”<sup>12</sup> As with the carriers represented by NECA, NRTA, and OPASTCO, the expansion of deployment requirements incorporating the CMSA list would force deployment in additional Sprint local telephone company switches that are not currently LNP capable and that do not have a pending bona fide request for LNP.<sup>13</sup> The characteristics of these switches are similar to the previously described Sprint local division switches on the outskirts of the original top 100 MSAs. They are relatively small switches, serve rural communities that have traditionally been slow growth areas, and the conversion costs are disproportionate to any presumed benefit. Again, Sprint urges the Commission to consider the real world implications -- other examples of which are included in the comments in the proceeding -- of expanding mandatory deployment requirements.

Sprint disagrees with comments suggesting that the availability of cost recovery mechanisms should allay concerns about deployment costs.<sup>14</sup> In the first instance, consumers must pay a significant amount of these costs. Secondly, just because a carrier may be able to recover all, or a portion of its costs in provisioning LNP and TBNP, that

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<sup>11</sup> NECA/NRTA/OPASTCO at 3.

<sup>12</sup> *Id* at 3.

<sup>13</sup> Implicated switches:

<u>Location</u>	<u>MSA</u>	<u>Type</u>	<u>Lines</u>	<u>C2P Date</u>
Pine Island, FL	Ft. Myers/Cape Coral	Alcatel 1210	4,951	5/03
St. James City, FL	Ft. Myers/Cape Coral	1210 RLS	2,554	5/03
Bokeelia, FL	Ft. Myers/Cape Coral	1210 RLS	1,653	5/03

<sup>14</sup> PUCO at 3.

doesn't mean the expenditures are worthwhile. Unless the benefit outweighs the costs, the expenditure should not be required. Third, the cost recovery mechanisms established for LNP and TBNP for wireline carriers are so restrictive and narrowly drawn, that they do not provide for recovery of all the costs legitimately incurred by these carriers deploying LNP and TBNP. Strict time limits prevent recovery of ongoing LNP and TBNP costs for wireline carriers. Narrow definitions of "eligible" costs prevent recovery of significant costs incurred by wireline carriers for systems modifications required to operate in a LNP and TBNP environment, including critical billing, repair, and maintenance functions that are impacted by the introduction of LNP and TBNP. Consequently, the availability of partial cost recovery does not adequately address the concern carriers have regarding the cost of deploying LNP and TBNP in areas where there is no need.

Sprint also disagrees with comments urging the Commission to require LNP deployment to prevent carriers from employing other means to accomplish number portability.<sup>15</sup> It is entirely reasonable for carriers to negotiate mutually agreeable alternatives to accommodate the carriers' needs. There are instances where alternative technical interim portability solutions, such as remote call forwarding, or other mutually acceptable arrangements are more economically efficient and more timely for the parties involved. In instances where the request covers a small number of lines and LNP deployment will be costly and take considerable time, alternative solutions make better sense than a blanket requirement.

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<sup>15</sup> Iowa Utilities Board at 2-3.

In conclusion, for the reasons stated herein, the Commission should retain the current bona fide request process for LNP deployment in the top 100 MSAs. The Commission should also retain the current MSA list and should not expand requirements to include the new list that incorporates CMSAs.

Respectfully submitted,

SPRINT CORPORATION

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May 20, 2002

## CERTIFICATE OF SERVICE

I, Joyce Y. Walker, hereby certify that I have on this 28<sup>th</sup> day of December 2001, served via hand delivery and U.S. mail, a copy of the foregoing letter, is being filed this date with the Secretary, Federal Communications Commission, to the persons listed below.

*//s//*

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