

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Qwest Communications International, Inc.) WC Docket No. 02-89
)
Petition for Declaratory Ruling On the)
Scope of the Duty to File and Obtain)
Prior Approval of Negotiated Contractual)
Arrangements Under Section 252(a)(1))

COMMENTS OF SPRINT CORPORATION

Sprint Corporation hereby respectfully submits its comments in response to the Public Notice released April 29, 2002 (DA 02-976) in the above-captioned proceeding. As discussed briefly below, Sprint believes that Qwest's interpretation of its Section 252(a) filing requirement obligation is overly narrow, and that ILECs are required under this section to file with the State commission both rate and non-rate interconnection, service and UNE agreements.

In its Petition, Qwest requests a declaratory ruling concerning which types of negotiated contractual arrangements between ILECs and CLECs are subject to the mandatory filing and 90-day state commission pre-approval requirement of section 252(a)(1) of the Act, and which are not. Qwest "believes prior filing and approval is required only for a 'schedule of itemized charges' and related service descriptions" (p. 6). It asserts that Section 252(a)(1) should not apply to ILEC-CLEC contractual arrangements going beyond this schedule, "such as account team support, mechanics of provisioning and billing for ordered interconnection services or UNEs, or dispute

resolution” (p. 10). Qwest further states (p. 7) that its ability to respond quickly to market needs is compromised by a more expansive requirement that it file with the PUC other types of contractual arrangements it has entered into with its CLECs customers.

Sprint believes that Qwest’s reading of Section 252(a)(1) of the Act is far too limited¹ and, if adopted, will inevitably result in unjust and unreasonable discrimination or will otherwise compromise the public interest. Section 252(a)(1) requires that voluntarily negotiated agreements relating to the provision of “...interconnection, services, or network elements [requested] pursuant to section 251” are to be filed with the State commission, and that such filed agreements “*shall include* a detailed schedule of itemized charges for interconnection and each service or network element included in the agreement” (emphasis added). By its plain language, the “detailed schedule of charges” referred to in Section 252(a)(1) constitutes the minimum -- not, as Qwest apparently believes, the maximum – categories of information that must be provided.

The reason for the filing requirement is clear from Section 252(e)(2) (which specifies the reasons why a State commission may reject a filed agreement) -- to help ensure that an agreement does not discriminate against a telecommunications carrier not a party to the agreement; is consistent with the public interest, convenience, and necessity; and (with respect to arbitrated provisions) meets the requirements of Section 251. There can be no dispute that a wide variety of non-rate terms and conditions in an agreement can be highly material to an assessment of whether an agreement meets the non-discrimination and public interest requirements of the Act. There can also be no dispute

¹ Qwest’s petition is framed in terms of agreements between ILECs and CLECs. However, as the Commission has previously found, the Section 252 filing requirements also apply to interconnection agreements between adjacent, incumbent LECs (see *Local*

that a State commission will be unable to make such an assessment if it does not have before it the relevant information. Therefore, Section 252(a)(1) must properly be interpreted as requiring the filing of agreements in their entirety, as indeed the plain language of that section contemplates. That section provides "[t]he agreement...shall be submitted to the State commission," not "a portion of the agreement."

Qwest complains (p. 23) that interpreting Section 252(a)(1) as requiring the filing of anything other than interconnection or UNE rate agreements and related service descriptions would impose costs on ILECs, CLECs and state PUCs. While it is true that the filing of material information does involve some additional costs, Qwest overstates such burden and ignores the benefits associated with such a filing requirement. The costs of a possible delay in implementing certain material service provisions are likely to be significantly outweighed by the benefits of preventing unjust discrimination and of fostering local competition. Furthermore, any delay would be at most 90 days, since voluntarily negotiated agreements not acted on by the State commission are deemed approved 90 days (30 days for arbitrated agreements) after they are filed (see Section 252(e)(4)). Both the ILEC and CLEC, to the extent they have been complying with Section 252(a), are currently operating under this 90-day window and presumably can plan their activities accordingly.

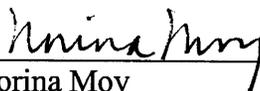
Finally, Qwest argues that filing only a schedule of itemized charges and related service descriptions will not "eliminate the ability of third parties to argue later than an unfiled ILEC-CLEC arrangement is unlawfully discriminatory" (p. 15), or compromise a CLEC's ability to pick and choose among different interconnection agreements (p. 16).

Competition Order, 11 FCC Rcd 15499, 16141 (para. 1323) (1996)), subsequent history omitted.

However, Qwest does not explain how CLEC B will even become aware of any non-rate arrangements that Qwest previously agreed to provide to CLEC A, if such arrangements are not submitted to the State commission for prior review or are not otherwise published or made generally available for review. The ability to pick and choose is an important tool for preventing discrimination, and Qwest's attempt here to unduly limit the scope of its Section 252(a) filing obligations will doubtless eviscerate the effectiveness of this tool. The Commission should accordingly reject Qwest's overly limited reading of Section 252(a).

Respectfully submitted,

SPRINT CORPORATION

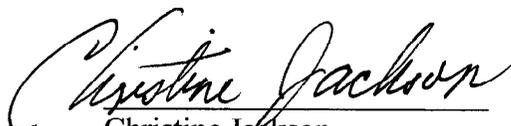


Norina Moy
Richard Juhnke
401 9th St., NW, Suite 400
Washington, DC 20004
(202) 585-1915

May 29, 2002

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Comments of Sprint Corporation was delivered on this 29th day of May, 2002 to the parties listed below.



Christine Jackson

Dorothy Attwood*
Chief, Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Qualex International*
Room CY-B402
445 12th Street, SW
Washington, DC 20554

Peter Rohrbach
David Sieradzki
Hogan & Hartson LLP
555 13th St., NW
Washington, DC 20554
Counsel for Qwest

* By electronic mail