

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

In the Matter of )  
 )  
Notice of Inquiry Concerning a Review )  
of the Equal Access and Nondiscrimination ) CC Docket No. 02-39  
Obligations Applicable to )  
Local Exchange Carriers )

**REPLY COMMENTS OF SPRINT CORPORATION**

Sprint Corporation (“Sprint”), on behalf of its independent incumbent local exchange and competitive local exchange/long distance operations, respectfully submits its reply comments in the above-captioned proceeding in response to the Notice of Inquiry (“NOI”), released February 28, 2002 (FCC 02-57).<sup>1</sup>

In their comments, the BOCs allege that equal access and nondiscrimination obligations are no longer needed, on grounds that AT&T is no longer the dominant long distance carrier and, thus, the underlying purpose of such obligations has been obviated.<sup>2</sup> While the BOCs acknowledge that the equal access and nondiscrimination requirements may have served a useful purpose when they were first adopted, the BOCs note that significant competition subsequently has emerged in the interexchange marketplace and

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<sup>1</sup> *Notice of Inquiry Concerning a Review of the Equal Access and Nondiscrimination Obligations Applicable to Local Exchange Carriers*, Notice of Inquiry, 2002 FCC Lexis 1027, (rel. Feb. 28, 2002).

<sup>2</sup> *See* Comments of Verizon at 8; Comments of SBC at 2; Comments of BellSouth at 4.

that “the ‘substantial AT&T bias’ that existed when the AT&T consent decree was entered twenty years ago has long since vanished.”<sup>3</sup>

By narrowly construing the intent of the equal access rules in their analyses, the BOCs completely miss the rules’ underlying purpose: to curb the BOCs’ ability to utilize their bottleneck control over local access facilities to discriminate among interexchange carriers (“IXCs”). While Sprint concurs with the BOCs’ assessment that competition in the interexchange marketplace has grown over the last twenty years, no such meaningful competition has evolved in the BOCs’ local service areas. As Sprint and others have commented, the equal access and nondiscrimination obligations therefore continue to provide an important competitive safeguard.

As other commenters have noted, BOCs unquestionably enjoy overwhelming market power. The National Association of State Utility Consumer Advocates notes that “little has changed since the passage of the Telecommunications Act of 1996 ... BOCs still have a monopoly in the local exchange market.”<sup>4</sup> The Public Utility Commission of Texas concurs, noting that, that although its been nearly two years since Southwestern Bell was granted 271 authority, CLECs still serve only about 14 percent of the end user switched access lines in Texas.<sup>5</sup> Nor do the BOCs seriously contend that they no longer have market power.

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<sup>3</sup> Comments of Verizon at 8.

<sup>4</sup> See Comments of the National Association of State Utility Consumer Advocates at 2-3 (citing the Commission’s Local Telephone Competition Report); see also Comments of AT&T at 18-19; Comments of WorldCom at 2.

<sup>5</sup> See Comments of the Public Utility Commission of Texas at 4.

As several commenters noted, this market dominance affords substantial opportunity to discriminate among competing IXC providers.<sup>6</sup> Sprint concurs with commenters that such risk is particularly great in those markets where BOCs have been granted Section 271 authority to offer in-region IXC services.<sup>7</sup> If anything, the BOCs' opportunity to provide interLATA services in their own regions has strengthened their incentives to discriminate against other IXCs to benefit their own long distance affiliates.

Sprint notes that some of the commenters raised certain other issues that could provide helpful tools to prevent discrimination among carriers.<sup>8</sup> Sprint would support a proceeding to explore these issues further, including the proposal to impose mandatory industry-wide customer account record exchange ("CARE") obligations. Sprint shares AT&T's concern that the current voluntary system does not provide carriers with timely or accurate access to customer billing and account information. Uniform and mandatory CARE obligations would facilitate customer efforts to establish service, change their preferred carrier(s), record changes in their account information and ensure proper billing.

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<sup>6</sup> See Comments of AT&T at 18-21; Comments of WorldCom at 2; Comments of National Association of State Utility Consumer Advocates at 2-3; Comments of Public Utility Commission of Texas at 4-5

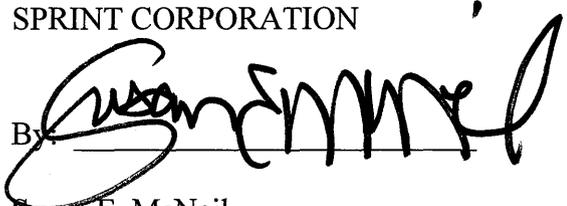
<sup>7</sup> See Comments of AT&T at 19-21; Comments of WorldCom at 1-2; Comments of National Association of State Utility Consumer Advocates at 5-6; Comments of Public Utility Commission of Texas at 4-5.

<sup>8</sup> See, e.g. Comments of AT&T at 23-43.

For the reasons set forth above, Sprint respectfully requests that the Commission reject the BOCs' request to eliminate the equal access and nondiscrimination obligations. Such obligations are as important today as they were when they were first established.

Respectfully submitted,

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June 10, 2002

## CERTIFICATE OF SERVICE

I, Sharon Kirby, do hereby certify that this 10th day of June 2002 copies of the Reply Comments of Sprint Corporation in CC Docket No. 02-39 were sent electronically or via U.S. First Class Mail, postage prepaid, as indicated below to the following parties:

  
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CC Docket No. 02-39

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