

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

In the Matter of)	
)	
Sprint Petition for Declaratory Ruling)	CC Docket No. 01-92
)	
Obligation of Incumbent LECs to Load)	
Numbering Resources Lawfully Acquired)	
And to Honor Routing and Rating Points)	
Designated by Interconnecting Carriers)	

**JOINT COMMENTS OF
VOICESTREAM WIRELESS CORPORATION AND
WESTERN WIRELESS CORPORATION**

Gene A. DeJordy
Vice President, Regulatory Affairs
Western Wireless Corporation
3650 131st Avenue SE, Suite 400
Bellevue, WA 98006
(425) 586-8700

Brian T. O'Connor
Vice President,
Legislative and Regulatory Affairs

Harold Salters
Director, Federal Regulatory Affairs

Mark Rubin
Director, Federal Government Affairs
Western Wireless Corporation
401 9th Street NW, Suite 550
Washington, DC 20004
(202) 654-5903

VoiceStream Wireless Corporation
401 9th Street NW, Suite 550
Washington, DC 20004
(202) 654-5900

Greg Tedesco
Executive Director, Intercarrier Relations
VoiceStream Wireless Corporation
2380 Bisso Drive, Suite 115
Concord, CA 94520-4821
(925) 288-6616

Dan Menser
Senior Corporate Counsel
VoiceStream Wireless Corporation
12920 SE 38th Street
Bellevue, WA 98006
(425) 378-4000

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TABLE OF CONTENTS

	Page
I. INTRODUCTION AND SUMMARY.....	1
II. THE SPRINT PCS PETITION AND BELLSOUTH OPPOSITION RAISE ISSUES WHICH GO FAR BEYOND BELLSOUTH’S INITIAL REFUSAL TO PROGRAM SPRINT PCS NUMBERS.	3
III. CURRENT REGULATIONS AS TO RATING, ROUTING AND COST APPORTIONMENT ARE LEGALLY CORRECT, TECHNICALLY SOUND AND FAIR TO ALL PARTIES.....	8
A. The Telecommunications Act Requires Originating ILECs To Bear the Additional Costs of Transporting and Terminating Their Own Calls and To Allow Competing Carriers To Interconnect Directly or Indirectly on ILEC Systems.	7
B. Current Rules and Practices Regarding the Routing and Rating of CMRS Traffic Are the Only Technically Sound Alternative In a Competitive Market.	9
C. The Changes Sought By Certain ILECs in Current Rating and Routing Practices Are Unfair and Anticompetitive.....	13
IV. CONCLUSION	14

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VoiceStream Wireless Corporation (“VoiceStream”)¹ and Western Wireless Corporation (“Western Wireless”)² (together “VoiceStream and Western”) hereby submit their comments in support of Sprint’s Petition for Declaratory Ruling filed on May 9, 2002.³

I.

INTRODUCTION AND SUMMARY

VoiceStream and Western urge the Federal Communications Commission (“Commission”) to adopt a declaratory ruling that under existing statutes and regulations:

¹ VoiceStream, combined with Powertel, Inc., is the sixth largest national wireless provider in the U.S. with licenses covering approximately 96 percent of the U.S. population and currently serving over seven million customers. VoiceStream and Powertel are wholly-owned subsidiaries of Deutsche Telekom, AG and are part of its T-Mobile wireless division. Both VoiceStream and Powertel are, however, operated together and are referred to in this request as “VoiceStream.”

² Western Wireless is the leading provider of cellular service to rural areas in the western United States. The company owns and operates wireless phone systems marketed under the Cellular One® national brand name in 19 states west of the Mississippi River. Western Wireless owns cellular licenses covering about 30% of the land in the continental United States. It owns and operates cellular systems in 88 Rural Service Areas (“RSAs”) and 18 Metropolitan Statistical Areas (“MSAs”) with a combined population of around 9.8 million people.

³ Sprint Petition for Declaratory Ruling, Obligations of Incumbent LECs to Load Numbering Resources Lawfully Acquired and to Honor Routing and Rating Points Designated by Interconnecting Carriers, Sprint Petition for Declaratory Ruling, CC Dkt No. 01-92 (May 9, 2002) (“Sprint PCS Petition”).

- All carriers must load the NPA-NXX codes assigned by the North American Numbering Plan Administration (“NANPA”) to Commercial Mobile Radio Service (“CMRS”) providers or other carriers into their switches within the timeframe established by industry guidelines.
- CMRS carriers have a right to interconnect at one or more technically feasible points of their own choosing on incumbent local exchange carriers (“ILECs”) networks.⁴ ILECs have no right to insist that dedicated transport links be established to other locations, or in particular to rate centers assigned to a neighboring ILEC’s NXX codes.
- Interconnection may be direct or indirect, which means, among other things, that CMRS providers, smaller ILECs and CLECs may transit calls to each other by way of RBOC or other dominant ILEC tandems to which they are already connected.
- Consistent with universal practice before and following 1996, ILECs are obligated to honor the rating and routing points assigned by neighboring ILECs to their NXXs. Rating and routing points need not be, and in most cases cannot be at the same location.
- Carriers that originate CMRS local calls, as defined by 51 C.F.R. Section 51.701(b), are obligated to pay for the facilities used to transport those calls to the terminating carrier and must also reimburse them for termination costs.

Section II below will explain how the above issues are necessarily implicated in the filings by BellSouth Corporation (“BellSouth”) and Sprint PCS herein, and how they echo the Petitioners’ own experiences in negotiating with large and small ILECs alike. Section III will demonstrate the legal foundation and fundamental fairness of existing law and practice regarding rating and routing, and will show how ILEC proposals are both illegal and unfair. CMRS

⁴ The term “technically feasible” is used herein to identify points within the ILECs’ network where interconnection is required under either 47 U.S.C. Section 251(a)(1) or 47 U.S.C. Section 251(c)(2)(B).

carriers are in active competition with ILECs for landline traffic. The shifting of ILEC costs to CMRS and competitive carriers serves no more than to erect barriers to effective CMRS competition in the marketplace. As the FCC strives to encourage effective competition, it should act decisively here to remove the intentional barriers described in the Sprint PCS request for declaratory relief and by VoiceStream and Western Wireless in these Comments.

II.

THE SPRINT PCS PETITION AND BELLSOUTH OPPOSITION RAISE ISSUES THAT GO FAR BEYOND BELLSOUTH'S INITIAL REFUSAL TO PROGRAM SPRINT PCS NUMBERS.

Numbers are the fundamental means by which CMRS providers, ILECs and other carriers allow their subscribers and customers to access the public switched telephone network (“PSTN”). Unless all carriers load the NPA-NXX code that contains a given number into their respective switches, the subscriber using that number will not be able to receive calls from other users of the PSTN. Because numbers are a sine qua non of service, the Commission’s rules and industry guidelines require carriers to load the NPA-NXX codes assigned by NANPA to CMRS providers and ILECs into their switches within 66 days.⁵ As declared by this Commission, “ensuring fair and impartial access to numbering resources is a critical component of encouraging a robust, competitive telecommunications market”.⁶

BellSouth’s initial threat was by letter to all carriers dated January 30, 2002 that stated that BellSouth would “no longer support activation of NPA-NXX applications where the rate

⁵ See, e.g., ATIS Central Office Code (NXX) Assignment Guidelines, Section 6.1.2 (revised June 21, 2002).

⁶ Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, 11 FCC Red 19392, 19508 (1996) (“Second Report and Order”).

center is in a company other than BellSouth and the routing center is in BellSouth.”⁷ Effectively, the BellSouth letter was both a refusal to recognize the rating and routing points designated by Sprint PCS and a refusal to transit traffic to or from a third-party carrier. While BellSouth retreated from this position by issuing a revised carrier notification once its actions came under scrutiny,⁸ its Opposition here shows that the retreat is only tactical.⁹ BellSouth’s true position, like that of many ILECs, is that competing carriers generally (and CMRS providers specifically) should no longer have the freedom to separately assign rating and routing points to their NXX codes.¹⁰ The controversy between Sprint PCS and BellSouth is therefore very much alive, and affects all carriers, especially CMRS providers.

VoiceStream and Western have a special and immediate interest in this proceeding. For one thing, they serve many rural areas with multiple ILECs. Many of these ILECs generate minimal amounts of inter-carrier traffic. The Petitioners have actual and potential customers who live or work in those areas and, naturally, they want local numbers. If the Petitioners are going to be able to compete effectively for these customers and if these people are going to have competitive choices, CMRS carriers must continue to have numbers that are rated to their

⁷ BellSouth Interconnection Services, Carrier Notification SN91082844 (Jan. 30, 2002). According to the Sprint Petition, BellSouth also provided Sprint with a deadline in which it should “correct existing interconnection arrangements,” whereby Sprint would have to directly interconnect with each ILEC to which it terminated calls, Sprint Petition at 2.

⁸ BellSouth Interconnection Services, Revised Carrier Notification SN91082844 (Mar. 20, 2002).

⁹ BellSouth Opposition at 1. See also Nextel Communications, Inc. Reply to BellSouth Opposition at 5 (noting that BellSouth is attempting to use its market power by threatening to adjudicate the “appropriateness” of current interconnection methods at the state level); Triton PSC License Company, L.L.C Reply to BellSouth Opposition at 3 (same).

¹⁰ See Opposition at paragraphs 4 (current routing/rating practices “result in inappropriate intercarrier compensation”), and attached Affidavit of Robert James, paragraph 10, (“this arrangement causes end users of BST and NFTC to be billed for placement of calls in a manner that is inconsistent with the way the calls are actually routed and completed”).

communities of interest. Without the ability to make use of locally rated numbers, VoiceStream and Western could not compete effectively and consumers in those areas would be disserved.

In many markets, VoiceStream and Western are geographically expanding their networks, and seek interconnection agreements with ILECs. In doing this, VoiceStream and Western have discovered that BellSouth is not alone, and that many ILECs:

- Refuse to program CMRS NXXs rated to points within their networks without the CMRS provider connecting directly with such rate points;
- Refuse (even where direct connections exist) to deliver intra-MTA land to mobile calls except through an inter-exchange carrier (“IXC”), thus triggering access charges for the originating ILEC, while avoiding any obligation to pay termination compensation to the CMRS carrier;
- Impose arbitrary mileage limits on the facilities for which they will share costs pursuant to Section 51.709(b) of the Commission’s rules;
- Impose requirements for so-called “Type 2B” links to remote rate centers, rather than making use of long-existing shared or common transport to carry mobile-to-land and land-to-mobile calls to a single, technically feasible point of interconnection, such as the ILEC tandem; and
- Require that CMRS providers pay special access rates (rather than TELRIC-based UNE rates) for these extraneous dedicated facilities.

In short, the dispute described by the Sprint PCS Petition has not been mooted as the result of BellSouth’s belated programming of that company’s NXXs. As most recently made clear in the Virginia Arbitration,¹¹ many ILECs continue to resist the clear requirement allowing

¹¹ Petition of WorldCom, Inc. Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Interconnection Disputes with Verizon Virginia, Inc., and for Expedited Arbitration, CC Docket No. 00-218; Petition of Cox Virginia Telecom, Inc. Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Interconnection Disputes with Verizon-Virginia, Inc. and for Arbitration, CC Docket No. 00-249; Petition of AT&T Communications of Virginia Inc., Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the Jurisdiction of the Virginia Corporation Commission Regarding

CMRS and other competitive carriers to interconnect at one or more technically feasible points on the ILEC network, rather than having to tie themselves to every local calling area established by the ILECs. The ILECs generally resist rate center consolidation and wide area calling arrangements despite the evolution of population and economic community interests since those rate centers were created. By imposing all of the costs of these added two-way links on CMRS and other competitive carriers, the ILECs also seem deaf to the clear requirements of Sections 51.703(b) and 51.709(b) of the Commission's rules, and of Section 252(d)(2) of the Act which require originating carriers to pay the costs of transporting and terminating their own calls. Finally, the ILECs label as "inappropriate" the definition of "local telecommunications traffic" as including CMRS calls that originate and terminate in the same Major Trading Area ("MTA").

The Virginia Arbitration and the actual experience of VoiceStream and Western show that incidents like that described by Sprint PCS recur throughout the country,¹² and require declaratory relief from this Commission.

Interconnection Disputes with Verizon Virginia, Inc., CC Docket 00-251, Memorandum Opinion and Order, ¶288 (issued July 17, 2002) ("Virginia Arbitration"). See, in the Virginia Arbitration, WorldCom Brief at 84 (noting that "every carrier in the country ... rates calls by comparing originating and terminating NPA-NXX codes").

¹² For example, VoiceStream has recently attempted to activate two codes, rated respectively to Elk Grove and Walnut Grove, California. The ILEC in these exchanges is Frontier Telephone Company, fka Citizens Communications. Both rate centers are also connected with the Pacific Bell tandem in Sacramento, California, where VoiceStream has a point of presence. VoiceStream desires to transit traffic to and from Frontier via the Sacramento tandem. Frontier has refused to program the new codes unless VoiceStream directly interconnects with Elk Grove and Walnut Grove. Frontier also insists that it will require ten-digit dialing and will impose access charges on any intra-MTA land-to-mobile calls transited through the Sacramento tandem. Sacramento, Elk Grove and Walnut Grove are all in the same LATA and MTA.

The imposition of access charges on intra-MTA CMRS traffic is common throughout the country. Despite the clear prohibition of paragraphs 1036 et seq. of the First Report and Order, many smaller ILECs insist on routing land-to-mobile CMRS traffic through an IXC even where direct connections exist between the ILEC and the CMRS carrier. This maneuver enables the ILEC to (a) avoid paying termination compensation to the CMRS provider, and (b) impose originating, and sometimes terminating, access charges on the IXC.

III.

CURRENT REGULATIONS AS TO RATING, ROUTING AND COST APPORTIONMENT ARE LEGALLY CORRECT, TECHNICALLY SOUND AND FAIR TO ALL PARTIES

A. The Telecommunications Act Requires Originating ILECs To Bear the Additional Costs of Transporting and Terminating Their Own Calls and To Allow Competing Carriers To Interconnect Directly or Indirectly on ILEC Systems.

In many ways, BellSouth and its fellow ILECs have cast blind eyes on a crystal clear congressional mandate. Congress has determined that all carriers must interconnect “directly or indirectly” with each other, and that this may be at any feasible point on the ILEC network.¹³ The Telecommunications Act of 1996 (“Act”) further requires that the originating carrier be responsible to transport and terminate its own calls and to compensate another carrier that takes over these tasks.¹⁴ In short, the critical regulations of this Commission regarding interconnect and cost allocations only implement what Congress has already commanded. This Commission may not substantially change current rules reallocating transport and other costs to originating carriers, or the rule recognizing that an ILEC tandem is a suitable interconnect point, without running afoul of the underlying statute itself.¹⁵

¹³ 47 U.S.C. §§251(a)(1), 251(c)(2)(b). See also 47 C.F.R. § 51.305(a) and paragraph 997, First Report and Order, Implementation of Local Competition Provisions in the Telecommunications Act of 1996, Interconnection Between Local Exchange Carriers and Commercial Mobile Radio Service Providers, 11 FCC Rcd 15499 (1996) (“First Report and Order”). VoiceStream and Western Wireless contend that their right to exchange traffic at a point other than the rating points assigned to CMRS codes is supported by both Section 251(a) and Section 252(c)(2)(b) of the Act.

¹⁴ 47 U.S.C. § 252(d)(2); see also 47 C.F.R. §§ 51.701(b)(2), 51.701(e); 51.703(b); 51.709(b); see also Intercarrier Compensation for ISP-Bound Traffic, Order on Remand and Report and Order, 16 FCC Rcd 9151, 9173, ¶47; First Report and Order ¶ 1036.

¹⁵ VoiceStream and Western recognize that the Commission is currently considering ways in which to unify its current interconnect regime, as by the adoption of certain “bill and keep” mechanisms. Developing a Unified Intercarrier Compensation Regime, CC Dkt. No. 01-92, Notice of Proposed Rulemaking 16 FCC Rcd. 9610 (2001) (“Intercarrier Compensation NPRM”). The Act specifically permits such a measure in cases where the costs of exchanging traffic are in essential balance. 47 U.S.C. § 252(d)(2)(b)(i); First Report and Order, ¶ 1112. However, the Act would not permit the Commission to change its rules in a way that would shift material costs from one class of competitors (e.g., originating ILECs) to another (e.g., terminating CMRS providers). This, VoiceStream and Western would suggest, is the fundamental goal of BellSouth.

Congress has also determined that questions of CMRS interconnection are federal in nature,¹⁶ which means, of course, that BellSouth is flat wrong in suggesting that its Florida tariff regarding “virtual NXXs” in some way trumps its federal obligation to treat as “local” all CMRS calls that originate and terminate in the same MTA. Put simply, BellSouth must complete a call placed by its Jacksonville customer to Sprint PCS’s McClenney customer. It must deliver the call to Sprint PCS at its Jacksonville point of interconnection (and may not uselessly transport the call to the independent telco in McClenney). It must rate the call to its own customer in the same way it would rate a call addressed by the customer to a landline subscriber whose number is also rated to McClenney. Finally it must pay for its share of transporting the call to Sprint PCS and must reimburse Sprint PCS for its costs in carrying the call to its end user.

This is precisely the result reached in the Virginia Arbitration on July 17, 2002.¹⁷ There, Verizon had objected to the practice of WorldCom and others of rating “virtual” NXX codes to end offices where they do not maintain points of interconnection. The Commission in the Virginia Arbitration recognized that the current state of the law is such that routing and rating points need not be geographically the same.¹⁸

As importantly, CMRS carriers do not use “virtual NXX” codes. The Commission has defined a “virtual” code as follows:

Virtual NXX codes are central office codes that correspond with a particular geographic area that are assigned to a customer located in a different geographic area.¹⁹

¹⁶ 47 U.S.C. § 332(c); see Iowa Utilities Board v. FCC, 120 F.3d 753, 800 n.21 (8th Cir. 1997).

¹⁷ Supra note 10.

¹⁸ Virginia Arbitration, Memorandum Opinion and Order, at para. 52.

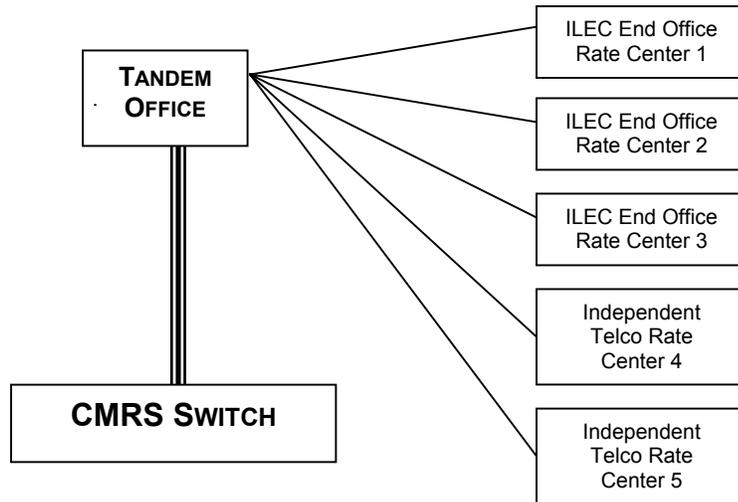
¹⁹ Unified Intercarrier Compensation NPRM, 16 FCC Rcd 9610, 9652 n.188 (2001).

CMRS carriers obtain NXX codes only in areas where they provide their mobile services. And they assign to a customer a telephone number containing a particular NXX code only if the customer has a community of interest with the rate center to which the code is rated (e.g., works or resides in the area). Thus, the ILEC assertion that CMRS carriers use “virtual” codes is factually inaccurate.

B. Current Rules and Practices Regarding the Routing and Rating of CMRS Traffic Are the Only Technically Sound Alternative In a Competitive Market.

Mobile service providers have invested tens of millions of dollars on “Type 2A” interconnect architecture which, until very recently has also been favored by the ILECs. Thus:

Figure 1 – (Type 2A Architecture)



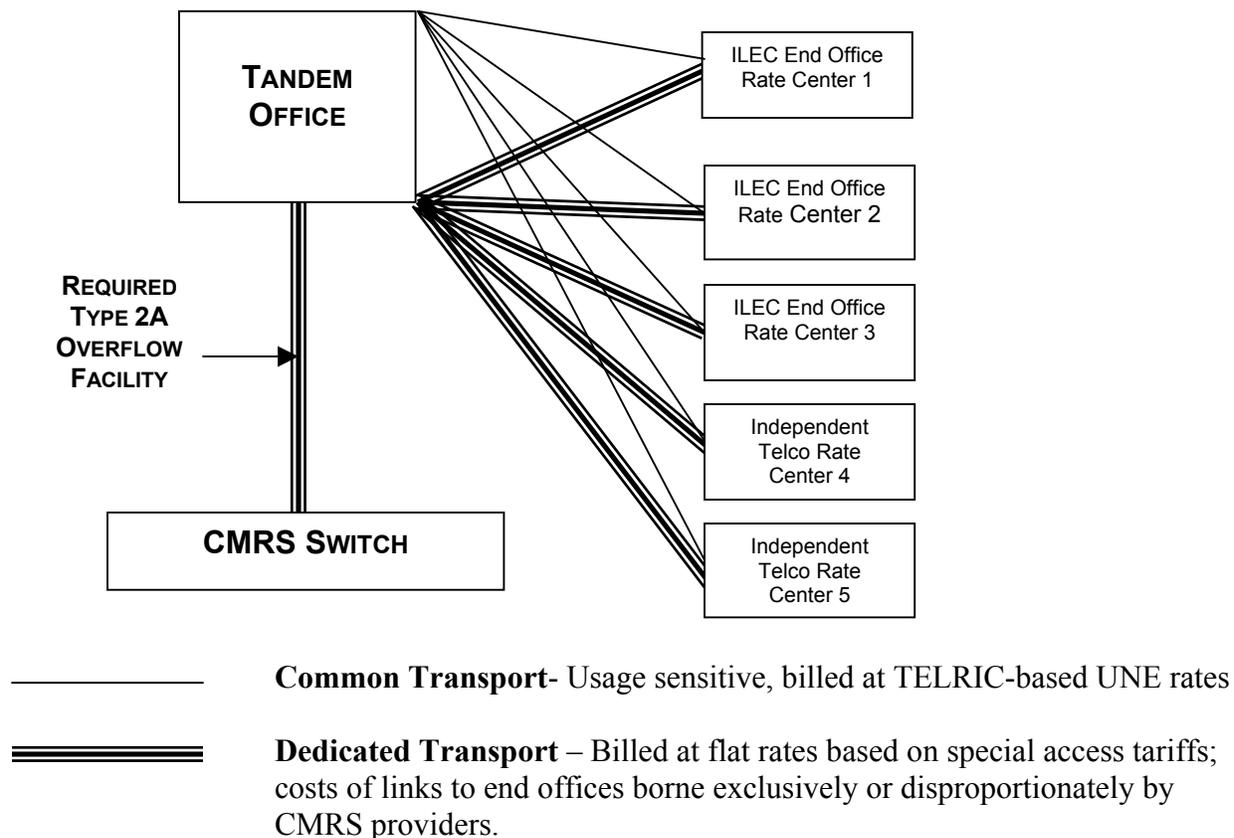
- **Common Transport-** Usage sensitive, billed at TELRIC-based UNE rates
- =====
=====
===== **Dedicated Transport** – Billed at flat rates based on special access tariffs; costs apportioned per 47 C.F.R. §§ 51.703(b), 51.709(b)

The advantages of Type 2A architecture to all interconnecting carriers are obvious. To the maximum extent possible, the existing wireline network is used to transport calls between

networks, thus recognizing that in nearly all cases common or shared transport is less costly and more efficient than dedicated transport. Where dedicated facilities are needed (as in the direct link between the tandem and the CMRS switch), traffic is concentrated on a single, high capacity, two-way pipe, rather than to divide it inefficiently among several smaller facilities. Finally, Type 2A architecture takes account of the hierarchical nature of the existing wireline network whereby calls between rate centers are physically transported through the tending tandem office. By exchanging traffic at a tandem point of presence, the CMRS and other competing carriers may gain access to all end offices subtending the tandem, including the end offices of independent telcos which themselves have used a dominant LEC's tandem to transit calls to and from the rest of the PSTN. Resulting costs are apportioned with the tandem owner being compensated whenever its facilities are used to switch and transport calls originated by other carriers.

The rating and routing controversy between BellSouth and Sprint PCS goes to the heart of ongoing disputes between ILECs and CMRS providers because the ILECs, after years of promoting Type 2A end office interconnection have shifted their sights to a mandatory Type 2B approach that would require expensive and inefficient physical links to be established (at the CMRS' and other competing carriers' expense) to each ILEC rate center. Thus:

Figure 2 - (New Type 2B Architecture Sought by Many ILECs)



There may be situations where traffic volumes justify dedicated Type 2B links to particular independent telco end offices (technically efficient and cost effective) and CMRS providers willingly would agree to them, subject only to cost apportionment formulas that are consistent with 47 C.F.R. §§ 51.703(b) and 51.709(b). But the agreements recently proposed by certain ILECs are not voluntary, are not based on traffic studies and represent a significant cost shift to the CMRS providers. As shown by Figure 2, the ILEC version of Type 2B has the following impacts (among others):

- Common transport, priced at TELRIC rates, is replaced by dedicated transport links, which are priced at special access rates.²⁰
- Calls to and from independent telcos are no longer transited through the ILEC tandem; instead separate direct connections must be established.²¹
- In addition to the direct end office links, the Type 2A link must also be maintained. The net result is to divide total traffic into multiple smaller pipes, with few of the trunking efficiencies of the original Type 2A model.
- The independent telcos have added needless additional facilities in land-to-mobile calls. Historically, there were only two "legs" to land-to-mobile calls: (1) the independent ILEC sent these calls over its common trunk group to the tending tandem, and (2) the tandem switch owner then sent the call directly to the CMRS switch via the Type 2A facilities. Today, independent ILECs often require use of four different facilities where two were once required: (1) the independent ILEC still sends land-to-mobile calls to the tandem; (2) the tandem then sends the call to the IXC switch; (3) the IXC switch immediately returns the call to the same tandem; and (4) the tandem then sends the call directly to the CMRS switch via the Type 2A facilities.

²⁰ The First Report and Order (at Section 672) states clearly that interconnect facilities, like common transport, should be priced at TELRIC-based rates. ILECs have simply ignored this requirement and, with the limited exception of Qwest bill for dedicated transport, at rates set by their state access tariffs. See also Notice of Proposed Rulemaking, In the Matter of Review of the Section 251 Unbundling obligations [etc.], CC Dkt. Nos. 01-338, 96-98, and 98-147 (December 20, 2001).

²¹ This refusal to transit is as often by the independent telco as it is by the larger ILECs. Indeed, the independent telco is often more aggressive in that it will refuse to pay the costs to transport its own calls beyond its service area boundary. The result is markedly asymmetrical: even though the ILEC and mobile switches are in the same MTA, the ILEC refuses to transport its own calls beyond its service area boundary, while the CMRS provider is required to transport its own traffic all the way to the ILEC switch.

C. **The Changes Sought By Certain ILECs in Current Rating and Routing Practices Are Unfair and Anticompetitive.**

It is puzzling why certain ILECs wish now to abandon the obvious efficiencies of Type 2A and the flexibilities of separated rating and routing points. Perhaps they are concerned over the increased burden on their tandem offices, a burden which is the inevitable result of the increase in the number of competitive carriers, each with its own codes and requirements for port space. But of late, the number of competitive carriers is actually dramatically decreasing. Or the ILECs may simply wish to shift transport costs, and/or to turn them into a profit center, i.e., by moving traffic from common facilities (which are priced at TELRIC) to dedicated facilities (which are priced at what the market will bear). Yet another possibility is that BellSouth and Verizon wish to recoup revenues lost when they opted for the benefits (and burdens) of this Commission's ISP Order.²²

Finally, it may be that certain ILECs (especially the smaller ones) desire to protect their own monopoly over local numbers and, hence, over local markets. Regardless of their motivation, the ILECs' attempt, if successful, will dramatically upset the symmetry and reciprocity which the Act requires among competing carriers. Essentially, while competing carriers will continue to bear all costs of transporting and terminating their own calls, the ILECs will have avoided many of the same costs as to their traffic. In requiring unnecessary, dedicated facilities as a precondition for code recognition, the ILECs will have made the cost of serving many small markets prohibitive for CMRS providers.

²² Order on Remand, In the Matter of the Local Competition Provisions in the Telecommunications Act of 1996 – Intercarrier Compensation for ISP-Band Traffic, CC Dkt. Nos. 96-98 and 99-68 (April 27, 2001).

IV.

CONCLUSION

The scheme adopted by Congress in 1996 has at least three critical pillars. The first is that the exchange market should be opened to competition. The second is that facilities-based competitors should be able to interconnect efficiently. The third is that when traffic is exchanged between carriers, the originating party is responsible for its own transport and termination costs and that, where other carriers assume this burden, they are entitled to reciprocal compensation. To these three cardinal principles should be added a fourth dating from 1993, which is that CMRS carriers are to be relieved from state rate and entry regulation and that the terms of their interconnection with the ILECs are a matter for this Commission's jurisdiction.²³ 47 U.S.C. § 332(c); see Iowa Utilities Board v. FCC, 120 F.3d 753, 800 n.21 (8th Cir. 1997).

The BellSouth arguments here run up against each of these “first principles”. A refusal to program codes is, at bottom, a refusal to interconnect. An insistence on inefficient routing violates the interconnection requirement of the Act. Where the costs of routing ILEC originated calls are shifted to the terminating carrier, there is a violation of existing regulations as well as of the Act. Finally, the ILECs are liable under both the Act and pre-existing law when they resort to state tariffs as a pretext for refusing to treat calls to CMRS rate centers in the same way that they treat calls to their own rate centers.²⁴

²³ 47 U.S.C. § 332(c); see Iowa Utilities Board v. FCC, 120 F.3d 753, 800 n.21 (8th Cir. 1997).

²⁴ TSR Wireless, LLC v. U.S. West Communications, Inc., 15 FCC Rcd. 11166, ¶ 29 (2000) aff'd sub. nom., Qwest Corp. v. FCC, 252 F.3d 462 (D.C. Cir. 2001) (stating) see also The Need to Promote Competition and Efficient Use of Spectrum for Radio Common Carrier Services, Report No. CL-379, Declaratory Ruling, 2 FCC Rcd 2910, ¶ 17 (1987) (“[A] state regulation regarding cellular interconnection would substantially affect the development of interstate communications; without a nationwide policy governing the reasonable interconnection of cellular systems, many of those systems may be barred from the interstate public telephone network. A nationwide policy will also help prevent increased costs and diminished signal quality among cellular systems...”).

Given the fact that BellSouth has already attempted to impose its views notwithstanding existing law, and given that other ILECs continue to do the same, this Commission should grant the declaratory relief sought by Sprint PCS, and summarized in Section I above.

Respectfully submitted,

/s/ Gene A. DeJordy

Gene A. DeJordy
Vice President, Regulatory Affairs
Western Wireless Corporation
3650 131st Avenue SE, Suite 400
Bellevue, WA 98006
(425) 586-8700

Mark Rubin
Director, Federal Government Affairs
Western Wireless Corporation
401 9th Street NW, Suite 550
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(202) 654-5903

/s/ Brian T. O'Connor

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Executive Director, Intercarrier Relations
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Concord, CA 94520-4821
(925) 288-6616

Dan Menser
Senior Corporate Counsel
VoiceStream Wireless Corporation
12920 SE 38th Street
Bellevue, WA 98006
(425) 378-4000

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