

**Before the  
Federal Communications Commission  
Washington, D.C. 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	)	

**REPLY COMMENTS**

BellSouth Corporation and BellSouth Telecommunications Inc. (collectively “BellSouth”) hereby submit their Reply Comments in the above referenced proceeding.

1. The parties submitting comments have raised a wide array of intercarrier interconnection and compensation issues. The existence of these issues is not particularly surprising. Indeed, they have been identified and the Commission is actively engaged in resolving them in the *Unified Intercarrier Compensation Proceeding*.<sup>1</sup> While these issues must be resolved and the long term policies established by the Commission, Sprint PCS’s petition is not the vehicle for such resolution and, indeed, these issues are not at the core of the purported controversy asserted by Sprint PCS.

2. Sprint PCS alleged in its petition that BellSouth refused to load NPA-NXX codes that Sprint PCS has acquired because the routing and rating points for the codes were not the same. Sprint PCS further claimed that BellSouth notified Sprint PCS that unless it corrected interconnection arrangements with non-BellSouth ILECs by June 8, 2002, BellSouth would stop

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<sup>1</sup> *In the Matter of Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92.

routing calls to Sprint PCS where rating and routing points do not match or where the rating point is associated with an ILEC other than BellSouth.

3. In its Comments, BellSouth made clear that Sprint PCS was incorrect. All of Sprint PCS's numbers had been loaded with the rating and routing points designated by Sprint. Further, June 8 has passed without disruption to Sprint PCS traffic. There was no case or controversy or uncertainty for the Commission to resolve by declaratory ruling when Sprint PCS filed its petition and there is no controversy for the Commission to resolve now.

4. BellSouth has notified carriers that it will carry and recognize NXX assignments of Sprint PCS and other Commercial Mobile Radio Service ("CMRS") providers. Nevertheless, these carriers obtain interconnection arrangements pursuant to tariffs filed with the state commissions. These arrangements never contemplated rating and routing points that are different and that involve an ILEC other than BellSouth. Whether modification of existing intrastate tariffs is necessary or whether new arrangements defining appropriate transport charges are required are questions that fall within the purview of the state commissions who oversee the interconnection arrangements contained in the intrastate tariffs.<sup>2</sup>

5. Properly understood, the dispute between Sprint PCS and BellSouth is about intercarrier compensation and state tariffs. It does not involve a refusal to interconnect or a refusal by BellSouth to adhere to numbering requirements. Thus, this dispute revolves around the financial consequences of a wireless carrier's decision to have a single point of interconnection. Indeed, in its order granting BellSouth's application for interLATA authority in

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<sup>2</sup> While BellSouth initially had filed a request for declaratory ruling with the Florida Public Service Commission to address the intrastate tariff issues, BellSouth withdrew its request for declaratory ruling on August 6, 2002, and instead filed a request for a generic docket to address these issues on that same day.

Georgia and Louisiana, the Commission termed complaints similar to Sprint's made by Nextel and Triton as largely unresolved intercarrier compensation issues. Further, the Commission acknowledged that the underlying issues are already before the Commission in its intercarrier compensation proceeding.<sup>3</sup>

6. Sprint's petition is not and cannot be a substitute for the Commission to complete the comprehensive policy rulemaking it has already begun. Contrary to claims of some, such as AT&T, the Commission is not in a position to simply declare that ILECs have the duty to provide tandem transit at TELRIC-based rates. Clearly, there is no record here on which the Commission could base such a decision. Nor would such a determination merely constitute a confirmation of existing policy. As AT&T reluctantly concedes, the Commission, in the *Virginia Arbitration Order*, concluded that there is no Commission precedent or rule to support the position that ILECs have an obligation under Section 252(c)(2) to provide tandem transit traffic at TELRIC rates.<sup>4</sup> Absent such precedent or rule, there is no record here for the Commission to make such a determination. More importantly, in the *Virginia Arbitration Order*, the Commission imposed an obligation on CLECs and other carriers to use their best efforts to enter into reciprocal exchange service traffic arrangements with all relevant carriers.<sup>5</sup> To the extent that such CLECs use an ILEC's transit services while they negotiate alternative

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<sup>3</sup> *In the Matter of Joint Application by BellSouth Corporation, BellSouth Telecommunications, Inc. and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services In Georgia and Louisiana*, CC Docket No. 02-35, *Memorandum Opinion and Order*, FCC 02-147, ¶ 208 (rel. May 15, 2002).

<sup>4</sup> *In the Matter of 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, et al.*, CC Docket No. 00-218, *et al. Memorandum Opinion and Order*, DA 02-1731, ¶ 117 (rel. July 17, 2002).

<sup>5</sup> *Id.* ¶ 119.

arrangements, the transit service provider is under no obligation to provide such services at TELRIC rates.

7. Based on the facts, rather than the rhetoric, the Commission can only conclude that no controversy exists as to the issue raised in Sprint PCS's petition and that a declaratory ruling would be an inappropriate mechanism to establish new policies in view of the rulemaking proceeding that has already been commenced. Accordingly, the Commission should deny the request for a declaratory ruling.

Respectfully submitted,

BELLSOUTH CORPORATION  
BELLSOUTH TELECOMMUNICATIONS, INC.

By: /s/ Richard M. Sbaratta  
Richard M. Sbaratta

Its Attorney

Suite 4300  
675 West Peachtree Street, N. E.,  
Atlanta, Georgia 30375-0001  
(404) 335-0738

Date: August 19, 2002

**CERTIFICATE OF SERVICE**

I do hereby certify that I have this 19<sup>th</sup> day of August 2002 served the following parties to this action with a copy of the foregoing **REPLY COMMENTS** via electronic filing and/or by placing a copy of the same in the United States Mail, addressed to the parties listed on the attached service list.

/s/ Juanita H. Lee  
Juanita H. Lee

**Service List CC Docket No. 01-92**

Kenneth E. Hardman  
American Association of  
Paging Carriers  
Moir & Hardman  
1015 18<sup>th</sup> Street, N. W.  
Suite 800  
Washington, D. C. 20036

Stephen G. Kraskin  
Alliance of Incumbent Rural  
Independent Telephone Companies  
And The Independent Alliance  
Kraskin, Lesse & Cosson, LLP  
2120 L Street, N. W., Suite 520  
Washington, D. C. 20037

David M. Wilson  
Leon M. Wilson  
Allied National Paging Association  
Wilson & Bloomfield L.L.P.  
1901 Harrison Street, Suite 1630  
Oakland, CA 94612

Dennis M. Doyle  
Vice President  
Telecommunications  
Arch Wireless, Inc.  
1800 West Park Drive  
Westborough, MA 01581-3912

Mark C. Rosenblum  
Lawrence J. Lafaro  
Stephen C. Garavito  
AT&T Corporation  
295 N. Maple Avenue  
Room 1131M1  
Basking Ridge, NJ 07920

Michael F. Altschul  
Senior Vice President  
& General Counsel  
Cellular Telecommunications  
& Internet Association  
1250 Connecticut Avenue, N. W.  
Suite 800  
Washington, D. C. 20036

Ronald L. Ripley, Esq.  
Vice President and  
Senior Corporate Counsel  
14201 Wireless Way  
Oklahoma City, OK 73134

Frederic G. Williamson  
President, Fred Williamson &  
Associates, Inc.  
ILECs  
2921 East 91<sup>st</sup> Street, Suite 200  
Tulsa, OK 74137-3355

Douglas Meredith  
Director-Economic and Policy  
John Staurulakis, Inc.  
547 Oakview Lane  
Bountiful, Utah 84010

Azita Sparano  
Director-Regulatory & Policy  
John Staurulakis, Inc.  
4625 Alexander Drive  
Suite 135  
Alpharetta, Georgia 30022

Laura H. Phillips  
Laura S. Gallagher  
Nextel Communications, Inc.  
Drinker, Biddle & Reath LLP  
1500 K Street, N. W.  
Washington, D. C. 20005

Leonard J. Kennedy  
Senior Vice President &  
General Counsel  
Joel M. Margolis  
Senior Corporate Counsel  
Nextel Communications, Inc.  
2001 Edmund Halley Drive  
Reston, VA 20191

L. Marie Guillory  
Daniel Mitchell  
National Telecommunications  
Cooperative Association  
4121 Wilson Boulevard, 10<sup>th</sup> Floor  
Arlington, VA 22203-1801

Ron Comingdeer  
Kendall W. Parrish  
Mary Kathryn Kunc  
Oklahoma Rural Telephone Co.  
Comingdeer, Lee & Gooch  
6011 N. Robinson  
Oklahoma City, OK 73118

Jim Lamoureux  
Gary L. Philips  
Paul K Mancini  
SBC Communications, Inc.  
1401 Eye Street, N.W.  
Suite 400  
Washington, D. C. 20005

Michael L. Higgs, Jr.  
Small Business In  
Telecommunications  
Schwaninger & Associates, P. C.  
1331 H Street, N. W., Suite 500  
Washington, D. C. 20005

J. G. Harrington  
Christina H. Burrow  
Triton PCS License Company, L.L.C.  
Dow, Lohnes & Albertson, P.L.L.C.  
1200 New Hampshire Avenue, N. W.  
Suite 800  
Washington, D. C. 20036

Gene A. Dejordy  
Vice President, Regulatory Affairs  
Western Wireless Corporation  
3650 131<sup>st</sup> Avenue S.E.  
Suite 400  
Bellevue, WA 98006

Mark Rubin  
Director  
Federal Government Affairs  
Western Wireless Corporation  
401 9<sup>th</sup> Street, N. W.  
Suite 550  
Washington, D. C. 20004

Brian T. O'Connor  
Harold Salters  
VoiceStream Wireless Corporation  
401 9<sup>th</sup> Street N. W.  
Suite 550  
Washington, D. C. 20004

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

Dan Menser  
Senior Corporate Counsel  
VoiceStream Wireless Corporation  
12920 SE 38<sup>th</sup> Street  
Bellevue, WA 980006

Luisa L. Lancetti  
Vice President  
PCS Regulatory Affairs  
Sprint Corporation  
401 9<sup>th</sup> Street, N. W.  
Suite 400  
Washington, D.C. 20004

Charles W. McKee  
Monica M. Barone  
Sprint Corporation  
6391 Sprint Parkway, 2<sup>nd</sup> Floor  
Mail Stop: KSOPHT0101-Z2060  
Overland Park, KS 66252

+Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
The Portals, 445 12<sup>th</sup> Street, S. W.  
Room 5-B540  
Washington, D. C. 20554

+Qualex International  
The Portals, 445 12<sup>th</sup> Street, S. W.  
Room CY-B402  
Washington, D.C 20554

Tamara Preiss  
Chief, Wireline Competition Bureau  
Federal Communications Commission  
The Portals, 445 12<sup>th</sup> Street, N. W.  
Washington, D. C. 20554

**+ VIA ELECTRONIC FILING**