

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Developing a Unified Intercarrier Compensation Regime	)	CC Docket No. 01-92
	)	
Sprint Petition for Declaratory Ruling Regarding the Routing and Rating of Traffic by ILECs	)	DA 02-1740
_____	)	

**REPLY COMMENTS OF  
ALLTEL COMMUNICATIONS, INC.**

ALLTEL Communications, Inc. (“ACI”)<sup>1</sup> hereby replies to the comments of various parties submitted in response to the Commission’s Public Notice soliciting comment on the May 9, 2002 petition of Sprint Corporation (“Sprint”) requesting a declaratory ruling.<sup>2</sup> ALLTEL has previously commented in support of the Sprint petition.

The Sprint petition seeks only to confirm the status quo that has governed the numbering administration and network configuration of CMRS carriers for years and which has generally been affirmed in the Telecommunications Act of 1996 (“96 Act”), and subsequent Commission orders. Sprint seeks only to have the Commission confirm that incumbent local exchange carriers

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<sup>1</sup> ACI is the wholly owned subsidiary of ALLTEL Corporation through which competitive communications services are provided to the public, including CMRS services. By virtue of its common ownership by ALLTEL Corporation, ACI is affiliated with the ALLTEL local exchange companies.

<sup>2</sup> Public Notice, “Comment Sought on Sprint Petition for Declaratory Ruling Regarding the Routing and Rating of Traffic by ILECs”, CC Docket No. 01-92, DA 02-1740 (July 18, 2002).

(“ILECs”) may not refuse to load in their networks the lawfully acquired numbers of an interconnecting CMRS carrier and, further, that ILECs cannot refuse to honor routing and rating points designated by the CMRS carrier without regard to whether the two points differ. Given the impact on provision of service to the public,<sup>3</sup> the need for immediate Commission action is acute, and consequently, the scope of the Commission’s review should be limited solely to the matter raised in the Sprint petition.

The Sprint petition is not about the use of “Virtual” NXX codes.<sup>4</sup> CMRS carriers lawfully obtain codes only where they have facilities and provide service, where as a “Virtual” NXX code holder essentially seeks to have a number from one rate center assigned to a customer located in another geographic area served by a different rate center. In ALLTEL’s view, the “Virtual” NXX code controversy is limited to the wireline world of ILECs and CLECs in which local calling areas are subject to state regulation. By contrast, CMRS is regulated by the Commission and enjoys a federally mandated MTA-wide local calling area. Consequently, “Virtual” NXX service is irrelevant to CMRS service and a state tariff for that service should not be permitted to preempt the Commission’s uniform federal interconnection policies governing CMRS interconnection.<sup>5</sup> For as noted by Nextel Communications, Inc., it is the Commission, and the Commission alone which has plenary jurisdiction over LEC/CMRS interconnection matters.<sup>6</sup>

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<sup>3</sup> See, for example, Comments of Dobson Communications Corporation at pages 3-5.

<sup>4</sup> Nor is the Sprint petition about forcing ILECs to provide interexchange services, wide area calling services, expansion of local calling areas or any other parade of horrors asserted by various commenting parties.

<sup>5</sup> See Comments of Nextel Communications, Inc. at page 5, footnote 10.

<sup>6</sup> Id. at pages 1, 3-5. CMRS carriers should not be forced to address this issue on a state to state basis.

Nor does the Sprint petition provide the platform sought by certain ILECs to reassess their current obligations to serve as transiting carriers.<sup>7</sup> The law is clear: ILECs are required to provide for the type of interconnection reasonably requested by a CMRS carrier at any technically feasible point in the network, and cannot obligate carriers to transport traffic through less convenient or efficient interconnection points. Both direct and indirect forms of interconnection may be feasible, but the rules indicate that the ILEC's tandem switch is a technically feasible point of interconnection. Most CMRS carriers use this form of interconnection at the ILECs tandem switch (Type 2A interconnection) rather than suffer the economic inefficiencies of connecting directly with every carrier in a rate center without regard to the amounts of traffic flowing between the particular carriers.<sup>8</sup> As AT&T notes, when properly read together, Sections 251(a)(1) and 251(c)(2)(a) require that ILECs provide tandem transit to telecommunications carriers.<sup>9</sup> Any departure from this elemental scheme would not only nullify the affirmative rights of CMRS carriers to interconnect indirectly with other carriers through the ubiquitous regional networks of ILECs such as BellSouth, but also expose CMRS carriers to the substantial market power of the regional ILECs by empowering them to unilaterally dictate network-wide interconnection arrangements among all carriers. In ALLTEL's view, this result is contrary to the competitive thrust of the 96 Act.

As to carrier compensation, Section 251(b)(5) of the 96 Act clearly imposes the legal obligation on ILECs to establish reciprocal compensation arrangements for the transport

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<sup>7</sup> See generally, Comments of SBC Communications, Inc. SBC seeks the rather audacious clarification that neither the Act nor the Commission's rules require that ILECs provide indirect interconnection or transport services.

<sup>8</sup> See Comments of Dobson Communications Corporation at page 6.

<sup>9</sup> See Comments of AT&T Corp. at page 4. The principle cited by AT&T, while argued in the CLEC contest, nonetheless holds for CMRS carriers. But as noted above, the "Virtual" NXX issue as it relates to CLEC operations is easily differentiated from the issues presented in the Sprint petition.

and termination of local traffic (i.e. traffic originated and terminated within the geographic boundaries of the MTA) by a CMRS carrier. Where the CMRS carrier has originated traffic, it is responsible for the costs associated with the transport and termination of the call generally pursuant to an underlying interconnection agreement.<sup>10</sup> Conversely, when a call is originated from an independent ILEC's territory to a CMRS carrier, it is now equally clear that the intermediary LEC serving as the transit carrier may charge the terminating carrier for the portion of the facilities used to deliver the transiting traffic to the terminating carrier.<sup>11</sup> Consequently, the precedent has been set for the basic rules of compensation to the transiting carrier; compensation between originating and terminating carriers may be on the basis of a bill and keep arrangement or other mutually agreed to compensation arrangement.<sup>12</sup> Although the nature of the compensation and the carrier responsible for payment may be altered in the future,<sup>13</sup> there is sufficient precedent for the Commission to issue the ruling requested by Sprint as to the status quo.

In conclusion, those ILECs serving large ubiquitous service areas should not be permitted to dictate the terms of CMRS interconnection or otherwise escape their obligations under the 96

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<sup>10</sup> See, for example, Comments of Nextel Communications, Inc. at page 7.

<sup>11</sup> See Comments of Dobson Communications Corporation at pages 8-9 citing Texcom, Inc., d/b/a/ Answer Indiana v. Bell Atlantic Corp., d/b/a Verizon Communications, File No. EB-00MD-14, Order on Reconsideration, FCC 02-96 (released March 27, 2002) at para. 4. Traffic originated by the ILEC would be switched at the tandem in accord with the ILEC's agreement with the LEC owning the tandem through which it interconnects. In this regard, and with the transit issue addressed as noted above, traffic terminated to the CMRS carrier's point of interconnection should be no different than local traffic terminated to any other third party carrier served by, and interconnected through, the ILEC LATA tandem.

<sup>12</sup> Although it may be preferable from the perspective of both rural LECs and other telecommunications carriers for the LEC owning the tandem through which they all interconnect to continue to service in its traditional position of providing intercarrier settlements, direct arrangements are also possible -- even where carriers connect indirectly -- through meet point billing arrangements. The transit carrier owning the tandem, however, must still provide the billing records to each of the interconnecting carriers.

<sup>13</sup> See Comments of Nextel Communications, Inc., at page 7 asserting that the CMRS carrier is not the carrier responsible for transit costs associated with traffic originated on another carrier's network.

Act to properly serve as transit carrier among the various telecommunications carriers interconnecting through their networks. The basic framework for appropriate compensation appears to exist and carriers should be required to reach reasonable accommodations for the exchange of traffic. Sprint seeks only to have the Commission reaffirm its existing rights under the rules and the Commission should expeditiously proceed to issue the requested ruling.

Respectfully submitted

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By: \_\_\_\_\_

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