

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20054

In the Matter of )  
)  
Qwest Communications International, Inc. ) WC Docket No. 02-314  
)  
Consolidated Application for Authority )  
to Provide In-Region, InterLATA Services in )  
Colorado, Idaho, Iowa, Montana, Nebraska, )  
North Dakota, Utah, Washington and Wyoming )

**COMMENTS OF SPRINT COMMUNICATIONS COMPANY L.P.**

Sprint Communications Company L.P. opposes the above-captioned application of Qwest Communications International, Inc. (“Qwest”) in the above-captioned docket for authorization to provide in-region, interLATA services in Colorado, Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington and Wyoming.<sup>1</sup> The public interest requires that the application be denied unless the Commission is convinced that the local markets have been opened fully and irreversibly to competitive entry. In Sprint’s view, this is not yet the case.

Qwest has refiled its application for 271 authorization in the nine states of its two earlier applications after having withdrawn them on September 10, 2002. Its Supplemental Brief adopts its original filings in WC Docket Nos. 02-148 and 02-189 and the full record in those proceedings. *Id.* at 4-5. The public interest requires that the

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<sup>1</sup> Supplemental Brief of Qwest Communications International Inc. in Support of Consolidated Application for Authority to Provide In-Region, InterLATA Services in Colorado, Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington and Wyoming, WC Docket 02-314 (filed September 30, 2002)(Supplemental Brief).

Supplemental Brief be denied for the reasons set forth in Sprint Comments in WC Docket No. 02-148, filed July 3, 2002, and in WC Docket No. 02-189, filed on August 1, 2002, which Sprint hereby incorporates by reference pursuant to the Commission's Public Notice in this docket released on September 30, 2002 (DA 02-2438).

Nothing in the Supplemental Brief shows that the local markets have been fully and irreversibly opened to competition. Qwest's statement that since its original filing "certain key CLEC volumes, such as the number of stand-alone UNE loops in service, have increased in every one of the nine states in the months since Qwest's original applications were filed"<sup>2</sup> does not prove that the markets are now fully opened to competition. Residential market shares are still *de minimis*. In WC Docket No. 02-189, Sprint pointed out that the market share for CLEC residential lines was 0.3% in Wyoming, 0.6% in Utah, 2.5% in Montana and 1.0% in Washington.<sup>3</sup> In three of these four states, the number of CLEC access lines in service (estimated using the E-911 listings method) has decreased since the original application: Utah decreased by 12.9%, Washington by 10.9% and Wyoming by 1.7%.<sup>4</sup> In WC Docket No. 02-148, Sprint noted that CLEC residential lines represented only 0.1% of the total in Idaho and only 1.1% in Iowa as of April 30, 2001.<sup>5</sup> In Iowa, the number of CLEC access lines has decreased by

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<sup>2</sup> Supplemental Brief at 5.

<sup>3</sup> Comments of Sprint at 10-11.

<sup>4</sup> Supplemental Declaration of David L. Teitzel, The State of Local Exchange Competition Track A Requirements, at 11. Percentage is based on "Updated Estimate of Number of CLEC Access Lines in Service" versus "WC 02-189 Estimated Number of CLEC Access Lines in Service."

<sup>5</sup> Comments of Sprint at 10.

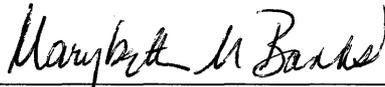
2.0% (from 200,237 to 196,168).<sup>6</sup> These low percentages, and particularly those of less than one percent and those which are shrinking, clearly indicate that competitors are not willing to make a sizeable investment in the residential market.

In its comments on Qwest's original applications, Sprint stated that it does not provide competitive telephone exchange service in any of Qwest's states, yet Qwest attributes lines to it. The lines which Qwest holds out as "Retail Resale Access Lines in Service" for Sprint are one-way Dial IP lines. Contrary to Qwest's claim that such lines are "a competitive substitute for a Qwest two-way voice grade retail access line,"<sup>7</sup> one-way lines cannot be used to provide two-way service. Inclusion of lines such as these improperly inflates Qwest's CLEC line estimates.

Because Qwest has failed to demonstrate that there is meaningful competition in the nine states here at issue, its application for § 271 relief should be denied.

Respectfully submitted,

Sprint Communications Company L.P.



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October 15, 2002

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<sup>6</sup> Supplementary Declaration of Teitzel at 10.

<sup>7</sup> Qwest Reply Comments, WC Docket No. 02-189, at 6.

### CERTIFICATE OF SERVICE

I, Sharon Kirby, do hereby certify that this 15th day of October 2002 copies of the Comments of Sprint Communications Company L.P. on the Application by Qwest Communications International, Inc., for Authorization Under Section 271 to Provide In-Region, InterLATA Service in the States of Colorado, Idaho, Iowa, Montana, Nebraska, North Dakota, Utah, Washington and Wyoming, WC Docket No. 02-314, will be delivered as indicated below to the following parties:

  
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