

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Petition for Declaratory Ruling: Lawfulness	)	
of Incumbent Local Exchange Carrier	)	CC Docket No. 01-92
Wireless Termination Tariffs	)	
	)	
Interconnection Between Local Exchange	)	
Carriers and Commercial Mobile Radio	)	CC Docket No. 95-185
Service Providers	)	
	)	
Implementation of the Local Competition	)	
in the Telecommunications Act of 1996	)	CC Docket No. 96-98
	)	

**COMMENTS**

BellSouth Corporation, on behalf of itself and its wholly-owned subsidiaries, hereby submits the following comments on the Petition for Declaratory Ruling filed by T-Mobile USA, Inc, Western Wireless Corporation; Nextel Communications and Nextel Partners (“CMRS Petitioners”).

1. The CMRS Petitioners request that the Commission enter a declaratory ruling to resolve compensation disputes arising between them and a wireline carrier such as an independent telephone company (“ICO”). Based on the petition, the circumstances giving rise to the dispute occur when the CMRS Petitioners indirectly interconnect with the wireline carrier.

2. BellSouth’s interest in this controversy lies in the fact that in an indirect interconnection scenario such as that portrayed by the CMRS Petitioners, BellSouth may act as a transit carrier and carry the wireless carrier’s traffic to the ICO. The petition skirts over the issues that surround transit traffic.

3. Clearly, if a carrier such as BellSouth acts as a transit carrier, it is entitled to compensation for carrying the transit traffic. It is vitally important that the Commission recognize this compensation right. It is equally important that the Commission recognize that a transit carrier should not be placed in the middle of the compensation arrangements for carriers that are indirectly connected. In other words, the transit carrier should not be a conduit for payments between carriers.

4. Thus, if the Commission proceeds to resolve the wireless/ ICO dispute by declaratory ruling, it must address transit traffic. In so doing it must make clear that the transit carrier is not responsible for the either the indirect interconnection or compensation agreements.

Respectfully submitted,

BELLSOUTH COPROPATION

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

Its Attorney

Suite 4300  
675 West Peachtree Street, N. E.  
Atlanta, Georgia 30375-001  
(404) 335-0738

Date: October 18, 2002

**CERTIFICATE OF SERVICE**

I do hereby certify that I have this 18<sup>th</sup> day of October 2002 served the following parties to this action a copy of the foregoing **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 Nos. 01-92, 95-185 and 96-98

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

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

Brent Eilefson  
Corporate Counsel  
Nextel Partners, Inc.  
10120 W. 76<sup>th</sup> Street  
Eden Prairie, MN 55344

Brian T. O'Connor  
Vice President  
Legislative & Regulatory Affairs  
Harold Salters  
Director, Federal Regulatory Affairs  
T-Mobile USA, Inc.  
401 9th Street N.W., Suite 550  
Washington, D. C. 20004

Greg Tedesco  
Executive Director, Intercarrier Relations  
T-Mobile USA, Inc.  
2380 Bisso Drive, Suite 115  
Concord, CA 94529-4821

Dan Menser  
Senior Corporate Counsel  
T-Mobile USA, Inc.  
12920 SE 38th Street  
Bellevue, WA 98006

+Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
The Portals, 445 12<sup>th</sup> Street, S. W.  
Room TW-A325  
Washington, D. C. 20554

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

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