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John E. Benedict
Senior Attorney

Federal Regulatory Affairs-LDD
401 9th Street, NW
Suite 400
Washington, DC 20004
Voice 202 585 1910
Fax 202 585 1897
jeb.e.benedict@mail.sprint.com

January 10, 2003

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Room TWB-204
Washington, DC 20554

Re: **Notice of Ex Parte Communication**

Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338

Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98

Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98-147

Dear Ms. Dortch:

On Thursday, January 10, 2003, Dick Juhnke, Luisa Lancetti, and I met on behalf of Sprint Corporation with Jared Carlson and Joseph Levin of the Wireless Bureau's Policy Division. The points raised by Sprint are outlined in the attached presentation, which was distributed at the meeting.

Pursuant to the requirements of Section 1.1206 of the Commission's rules, we are filing electronic copies of this notice for addition to these dockets.

Sincerely,

John E. Benedict

cc: Jared Carlson
Joseph Levin

Wireless Access to UNE Transport

January 2003

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Sprint's Position

- Wireless carriers are entitled to UNE transport.
  - The 1996 Telecom Act is technology-neutral.
    - § 251(c)(3) applies "to ***any*** requesting telecommunications carrier."
    - "Telecommunications carrier" definition specifically includes "CMRS providers." 47 CFR § 51.5.
    - The Local Competition Order (¶552) found wireless carriers "entitled to the benefits of § 251(c)," including UNEs.
  - Growing wireless customer base doesn't mean no impairment.
- The Commission should amend the "dedicated transport" definition to promote intermodal competition and remove unfairness to wireless carriers.

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Wireless Carriers & Transport

- Wireless carriers rely heavily on ILEC transport to connect their cell sites and MSCs.
  - ILEC transport is a significant expense item for wireless carriers.
  - Duplication of ILEC transport facilities is clearly infeasible.
- Today, wireless carriers must rely on special access offerings.
  - ILECs refuse UNE transport to wireless competitors.
  - Special access transport costs are roughly twice as high as UNE transport rates.

A Flawed Definition

- Current rules define dedicated transport as facilities "between wire centers owned by the incumbent LECs or requesting telecommunications carriers, or between switches owned by the incumbent LECs or requesting telecommunications carriers." 47 CFR § 51.319(d)(1)(i).
  - ILECs seized upon this inadvertently wireline-centric definition, arguing wireless facilities aren't traditional wire centers or switches.
  - But cell sites are points of traffic aggregation in the same manner as landline wire centers, and connections between them and MSCs are properly dedicated transport.

Competitive Neutrality

- Wireless carriers are local carriers.
  - CMRS service is used principally for local calling.
  - Wireless carriers shoulder the burden of local requirements, including E-911 and LNP.
- The Commission and ILECs acknowledge wireless as intermodal local competitors.

Competitive Disadvantage

- Lack of UNE transport places wireless carriers at a disadvantage to CLECs and ILECs.
  - Wireline CLECs have access to UNE transport.
  - ILECs enjoy transport at internal costs that UNE pricing approximates.

A Simple Solution

- Amend the "dedicated transport" definition to include wireless access to UNE transport. 47 CFR § 51.319(d)(1)(i).
- Clarify that transmission facilities include those between cell sites or base stations of wireless carriers (whether fixed or mobile) and their switch locations.
- Transition of existing facilities, when term agreements expire, should be accomplished by a simple records conversion.

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Use Restrictions

- If use restrictions are extended to stand-alone transport, they should be crafted so as not to exclude wireless carriers from eligibility.

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