



**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

February 5, 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 Tuesday, February 4, 2003, Dick Juhnke, and I met on behalf of Sprint Corporation with Lisa Zaina, Senior Legal Advisor to Commissioner Adelstein.

Sprint explained that loops remain a bottleneck, and that CLECs are impaired without high-capacity loops or access to customers served behind DLCs. Sprint also pointed out that, based on its own experience, competitors lack viable alternatives to BOC transport even in large metropolitan areas. Sprint further argued that, particularly since wireless carriers are seen as intermodal local competitors to wireline, they should be allowed to utilize UNE transport between their switches and cell sites.

With respect to local switching, Sprint noted its preference for facilities-based competition and its view that UNE-P should not be regarded as a permanent fixture on the local competition landscape. However, Sprint explained that competitive carriers need time to develop and fund alternative platforms and, in the meantime, need UNE-P to satisfy their mass market customers' desire for bundled offerings that include local service. Sprint suggested three years would be reasonable for this purpose, and that a decision that maintains UNE-P for this period would benefit the entire industry by providing needed regulatory certainty. In this regard, Sprint argued that impairment currently exists with respect to mass market customers, both in urban and rural areas. Sprint thus sees no need to attempt to draw a dividing line between urban and rural markets. In the event one is drawn, however, it would be less irrational to draw such a line based on the number of lines served by an ILEC central office than by, e.g., differentiating

between the top 50 or 100 MSAs and the rest of the country. In any event, ILECs in "rural" areas, however defined, should be able to demonstrate a lack of impairment on a case-by-case basis.

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,

A handwritten signature in black ink, appearing to read "John E. Benedict", written over a horizontal line.

John E. Benedict

cc: Lisa M. Zaina