Sprint

September 29, 2003

Via Electronic Mail Delivery

Ms Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, D.C. 20554

Re: ***Ex Parte Presentation***
Sprint NXX Rating and Routing Petition
CC Docket No. 01-92

Dear Ms. Dortch:

On September 26, 2003, Luisa Lancetti and Charles McKee of Sprint and Jeff Bork representing Sprint Corporation met *via* teleconference with Cathy Seidel, David Furth, Scott Delacourt, Jared Carlson and Jennifer Tomchin of the Wireless Telecommunications Bureau. The purpose of the meeting was to discuss Sprint's pending declaratory ruling petition.[1] The discussion was consistent with Sprint's petition, reply comments and *ex partes* as filed on the record.

During the meeting, Sprint emphasized that it was asking the Commission to confirm existing rules, not change them. Among other things, the Commission has already ruled:

- Under Rule 20.11(a), a LEC is required to provide the type of interconnection that a wireless carrier requests.[2]
- The Commission has already recognized that wireless carriers can choose to interconnect indirectly with LECs "based upon their most efficient technical and economic choices."[3]
- Wireless carriers have been using Type 2A LATA tandem interconnection since the inception of the mobile telephony industry nearly 20 years ago.[4]

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[1] *See 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).

[2] *See* 47 U.S.C. § 20.11(a). *See also Bowles* v. *United Telephone,* 12 FCC Rcd 9840, 9849 ¶ 15 (1997); *Third Radio Common Carrier Order,* 4 FCC Rcd 2369, 2376 ¶ 47 (1989).

[3] *First Local Competition Order,* 11 FCC Rcd 15499, 15991 ¶ 997 (1996). *See also* 47 U.S.C. § 251(a)(1); *Virginia Arbitration Order,* 17 FCC Rcd 27039, 27085 at ¶ 88 (2002).

[4] *See, e.g. LEC-Wireless Carrier Interconnection Policy Statement,* 59 R.R.2d 1275, 1284 (1986); *LEC-Wireless Carrier Interconnection Declaratory Ruling,* 2 FCC Rcd 2910 ¶ 4, 2913 ¶ 29 (1987).

- With Type 2A interconnection, the routing point (the LATA tandem switch) and the rating points (subtending end offices) necessarily are different.[5]
- Type 2A interconnection is consistent with the "single point of interconnection per LATA" rule.[6]
- The Commission, realizing that most wireless carriers utilize Type 2 interconnection,[7] has recognized that CMRS carriers may acquire and rate NXX codes in different ILEC rate centers "to enable the rating of incoming wireline calls as local."[8]
- Industry number assignment guidelines explicitly recognize that a routing and rating point for a NXX code or thousands block may be different.[9]
- The vast majority of traffic that wireless carriers and LECs exchange today uses separating rating and routing points.[10]

Sprint also reviewed the status of wireless-rural ILEC compensation disputes in various states, and noted that an order granting Sprint's petition need not address those disputes. However, Sprint did urge the Commission to reaffirm its prior holdings that calls between LEC and wireless carriers that originate and terminate in the same LATA are governed by the Part 51 interconnection rules and not by access charges, even when an intermediary transit carrier is utilized.[11]

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[5] *See* Bellcore, *Notes on the Network*, TR-NPL-000275, Section 16, Cellular Mobile Carrier Interconnection, at 16-2 § 2.03 (April 1986)("Type 2A interconnection is at the MTSO and a designed BOC tandem switching system. Through this option, the CMC [Cellular Mobile Carrier] can establish intra-LATA connections to BOC end offices connected to the tandem *and to other carriers interconnected through the tandem.*")(emphasis added).

[6] *See Unified Intercarrier Compensation NPRM*, 16 FCC Rcd 9610, 9634 ¶ 72 (2001); *Virginia Arbitration Order,* 17 FCC Rcd 27039, 27064 at ¶ 52 (July 17, 2002).

[7] *See, e.g., Unified Intercarrier Compensation NPRM*, 16 FCC Rcd 9610, 9643 ¶ 91, 9644 ¶ 95 (2001). The FCC has also recognized that CMRS carriers also rate their NXX codes in multiple ILEC rate centers. *See, e.g., Numbering Resource Optimization NPRM,* 14 FCC Rcd 10322, 10371 n.174 (1999).

[8] *NRO NPRM,* 14 FCC Rcd 10322, 10371 n.174 (1999).

[9] *See* Central Office Code (NXX) Assignment Guidelines, INC 95-0407-008, at § 6.2.2 (Aug. 15, 2003) ("Each switching center, each rate center and each POI may have unique V&H coordinates.").

[10] *See TSR Wireless* v. *U S WEST,* 15 FCC Rcd 11166 (2000), *aff'd Qwest* v. *FCC,* 252 F.3d 462 (D.C. Cir. 2001).

[11] *See, e.g.,* 47 C.F.R. § 51.701(b)(2).

Pursuant to Section 1.1206(b)(1) of the Commission's rules, one copy of this letter is being filed electronically in the public record of CC Docket No. 01-92.

Respectfully submitted,

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