Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Telephone Number Portability	)	CC Docket No. 95-116
	)	

COMMENTS OF SPRINT CORPORATION

On behalf of its incumbent local exchange carrier ("ILEC") competitive LEC ("CLEC")/long distance, and wireless divisions, Sprint Corporation supports BellSouth Corporation's November 14, 2003 petition for a declaratory ruling and/or waiver seeking to allow wireline carriers a reasonable opportunity to recover the costs of implementing wireless local number portability ("WLNP"). Specifically, the Commission should find that all ILECs are entitled to a reasonable opportunity to recover the costs of implementing WLNP through charges imposed on end-users, except for Lifeline customers,[1] and should waive, for all ILECs, the maximum five-year period imposed in Section 52.33(a)(1) of the Rules for recovery of such costs.

BellSouth amply demonstrates that ILECs are incurring costs associated with WLNP that both meet the tests of the Third Report and Order in this docket[2] and are not being recovered in the ILECs' current LNP recovery charges. Indeed, the Sprint ILECs' initial LNP recovery filing

[1] The Commission's rules disallow LNP charges on Lifeline customers. 47 CFR § 52.33(a)(1)(i)(C).

[2] *Telephone Number Portability*, CC Docket No. 95-116, RM 8535, *Third Report and Order*, 13 FCC Rcd 11701 (1998).

included the portion of WLNP costs which was known at that time, but the Commission staff expressly advised Sprint to remove $10,234,076 of WLNP operational support system ("OSS") costs from its filing, deeming WLNP costs as speculative. Sprint complied with this request and submitted a revised filing, which was subsequently approved. Sprint and the Commission were both aware that, when WLNP was implemented, there would be additional costs to be recovered.

Likewise, BellSouth amply demonstrates that in view of the delays and uncertainties in the implementation of WLNP, the requirements in the Third Report and Order prohibiting increases in the LNP cost recovery charge and the five-year recovery limitation are wholly inappropriate for WLNP, in view of the fact that WLNP did not commence until the specified initial five-year recovery period was about to expire. As demonstrated by BellSouth, WLNP costs were not reasonably ascertainable when the current LNP charge was reviewed and approved by the Commission. Moreover, multiple extensions of the commencement date for WLNP delayed both the ability of carriers to identify WLNP costs and deferred the actual expenditure of such costs. As a result of the omission of WLNP costs from original cost data submitted by ILECs, ILEC end-users have not been charged for WLNP recovery.

In these circumstances, it is entirely reasonable to waive the initial five-year recovery period in order to allow ILECs a reasonable opportunity to recover WLNP costs. In this regard, all ILECs face the circumstances documented by BellSouth, and rather than burden the industry and Commission staff with duplicative proceedings, the Commission should make the waiver sought by BellSouth applicable to all ILECs. Granting ILECs permission to recover WLNP costs at this time will link recovery from end-users with the implementation of WLNP. As the Commission has determined, "recovery from end-users should be designed so that end-users

generally receive the charges only when and where they are reasonably able to begin receiving the direct benefits of long-term number portability."[3]

Grant of this waiver is in the public interest. The Commission is required by statute to ensure that carriers bear the costs to implement number portability in a competitively neutral manner. It has already done so for wireline LNP costs. It is now appropriate to allow WLNP cost recovery. The impact upon end-users – who are already accustomed to monthly recovery charges – will be minimal. Denial of this petition would violate the principle of competitive neutrality as non-ILECs are free to recover WLNP costs however they see fit. In fact, many non-ILECs, including Sprint PCS, are already doing so. Denial of the petition would place ILECs at a competitive disadvantage, would be a violation of the Commission's competitive neutrality mandate, and would violate its own precedent.

The Commission should bear in mind that questions remain regarding intermodal porting from outside of a rate center and establishing the appropriate provisioning interval for intermodal ports.[4] The resolution of these issues could impose further costs on the ILEC industry that cannot be ascertained today. Again, in order to avoid unnecessary filings and delay, the Commission's waiver should also allow ILECs either to increase the WLNP cost recovery rate, or to lengthen the recovery period, or to establish a new WLNP charge if existing WLNP costs have been fully recovered by the time those issues are resolved.

The Bellsouth Petition lists four possible WLNP cost recovery scenarios, including an increase in its existing charge, a one-time charge, and 3- and 6-month recovery periods. The Commission should allow ILECs flexibility to propose, through tariff filings, the recovery period

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[3] Id. at 11776, ¶ 142.

[4] Memorandum Opinion and Order and Further Notice of Proposed Rulemaking (FCC 03-284; released November 10, 2003), ¶¶ 2, 42-44, 49-51.

they deem most appropriate in the context of the amount of WLNP costs to be recovered and the resulting monthly charge, so long as the recovery is limited to five years' worth of costs, as contemplated by the Third Report and Order (¶ 142). If there are any significant concerns about any particular ILEC's proposed charge, it can be addressed through the tariff review process.

CONCLUSION

The Commission should grant the requested declaratory ruling and should grant an industry-wide waiver that would allow the recovery of both currently identifiable WLNP costs and any additional WLNP costs that may result from future WLNP rules.

Respectfully submitted,

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December 22, 2003

CERTIFICATE OF SERVICE

I hereby certify that a copy of Sprint Corporation's Comments regarding BellSouth Corporation's Petition for Declaratory Ruling and/or Waiver filed in CC Docket 95-116, was sent by United States First Class Mail, postage prepaid, and/or electronic mail on this the 22nd day of December, 2003 to the following parties.

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