

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

In the Matter of )  
 )  
Federal-State Joint Board on Universal Service ) CC Docket No. 96-45  
 )  
Application of Sprint Corporation for )  
Designation as an Eligible Telecommunications )  
Carrier in the State of Florida )  
 )

**SPRINT REPLY COMMENTS**

Sprint Corporation (“Sprint”) submits these reply comments in support of its above-captioned application for designation as an eligible telecommunications carrier (“ETC”) in Florida. Sprint responds to the comments filed by the Cellular Telecommunications & Internet Association (“CTIA”) and the Verizon telephone companies (“Verizon”).

Sprint concurs with CTIA’s argument that Sprint’s ETC application for Florida should be granted, because Sprint’s wireless division is not subject to the jurisdiction of the Florida Public Service Commission, and Sprint offers all of the services supported by the high-cost universal service program. 1/ Sprint also agrees with CTIA’s assessment that designating Sprint as an ETC will advance the public interest 2/ – although Sprint continues to believe that, pursuant to the text and

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1/ CTIA Comments at 2-4.

2/ CTIA Comments at 4-5. *See also Federal-State Joint Board on Universal Service, Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier In The Commonwealth of Virginia, CC Docket No. 96-45, FCC 03-338, ¶ 29 (released Jan. 22, 2004) (“Virginia Cellular Order”)* (benefits of wireless universal service for rural consumers).

legislative history of Section 214(e)(6), no separate “public interest” showing ought to be required for applications such as this one, seeking ETC designation only in the service areas of non-rural incumbent local exchange carriers (“ILECs”).<sup>3/</sup>

Verizon offers nothing beyond the same groundless arguments that it has used in the past in opposition to Sprint's ETC petitions. First, Verizon suggests that the Commission “take no action on Sprint's petition, nor on other pending petitions for ETC status, until it resolves the issues raised in the Joint Board portability proceeding.”<sup>4/</sup> The Commission has effectively dispatched this argument by granting the Virginia Cellular application even though the Commission has not yet ruled on the issues raised in the Joint Board proceeding.<sup>5/</sup> The Commission should continue to grant ETC applications that meet the standards found in the statute and the rules. Broad objections to the existing rules have no place in adjudicatory proceedings concerning the merits of an individual carrier's ETC application.<sup>6/</sup>

Moreover, Verizon's argument for delay here is hypocritical, given that Verizon's own wireless affiliates have applied for and, in at least one case, received

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<sup>3/</sup> See Sprint Corp. Petition for Reconsideration of the Virginia Cellular Order, CC Docket No. 96-45 (filed Feb. 23, 2004).

<sup>4/</sup> Verizon Comments at 1.

<sup>5/</sup> Sprint notes, however, that it disagrees with certain aspects of the *Virginia Cellular Order*. See *supra* note 3.

<sup>6/</sup> See Sprint Corp. Reply Comments on Sprint ETC Applications for Alabama, Georgia, New York, Pennsylvania, Tennessee & Virginia, CC Docket No. 96-45 (filed Nov. 20, 2003).

ETC designation in competition with ILECs. <sup>7/</sup> Verizon's wireless affiliates have made strong arguments for the public interest benefits of designating wireless carriers as competitive ETCs. <sup>8/</sup> Verizon, as a beneficiary of the rules and procedures by which wireless carriers may apply for and receive designation as ETCs in competition with ILECs, cannot be heard to complain about the validity of the same rules and procedures when Sprint invokes them. Verizon's dilatory arguments must be rejected.

The Commission must also reject Verizon's argument regarding the impact of this proceeding on the access charge reform plan established by the

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<sup>7/</sup> See, e.g., *Northwest Dakota Cellular of North Dakota L.P. [d/b/a/ Verizon Wireless] Designated Eligible Carrier Application, et al.*, Case Nos. PU-1226-03-597, et al., Notice of Opportunity for Hearing and Notice of Informal Hearing (North Dakota Pub. Serv. Comm'n, Oct. 22, 2003) (available at <http://www.psc.state.nd.us/psc/jurisdiction/pud/telecom/notices/03-599a.pdf>) at 1-2 (notice of ETC applications of six Verizon Wireless affiliates); *Federal-State Joint Board on Universal Service, Celco Partnership d/b/a/ Bell Atlantic Mobile Petition for Designation as an Eligible Telecommunications Carrier*, 16 FCC Rcd 39 (Com. Car. Bur. 2000) (granting Verizon Wireless' ETC application for the state of Delaware).

<sup>8/</sup> See, e.g., *Northwest Dakota Cellular of North Dakota L.P. [d/b/a/ Verizon Wireless] Application for Designation as an Eligible Telecommunications Carrier and Petition for Redefinition of Service Areas of Rural Telephone Companies*, Case Nos. PU-1226-03-597, North Dakota Pub. Serv. Comm'n, at ¶¶ 19-22 (filed Oct. 15, 2003) ("Verizon Wireless will provide the supported services to North Dakota consumers with service offerings that will be different from landline offerings. Verizon Wireless' service offerings have a larger local calling area, as well as the benefits of mobility. Because Verizon Wireless' network supports the provisions [sic] of data services, customers will be able to combine basic universal services with advanced services if they so desire. Wireless technology and networks have been rapidly deployed in the past 15 years. This deployment and network expansion must continue if rural consumers will have full access to this technology in the future. The use of federal universal service support to provide universal services and extend wireless networks in rural areas of North Dakota clearly benefits the public interest by ensuring these networks will be available to deliver basic and advanced services to North Dakota consumers. Designation of Verizon Wireless as an ETC will provide an incentive to the incumbent carriers in the requested designated areas to improve their existing networks in order to remain competitive, resulting in improved services and benefits to consumers. The benefits of increased competition can be expected to lead to better service and the provision of new, innovative services. Verizon Wireless will provide to consumers the benefits of mobility, larger local calling areas, and where requested by the PSAP, GPS location assistance for consumers dialing 911.").

*CALLS Order*. As Sprint has already shown on several occasions, the Commission's access charge reform plan anticipated and is fully consistent with the designation of competitive ETCs; Verizon's own predecessors argued for the portability of CALLS funding as a key benefit of that plan; and designating Sprint as an ETC will have an insignificant impact on CALLS funding and no realistic impact on access charges or long distance rates. [9/](#)

Finally, Verizon contends that Sprint should be directed to "supplement the record with evidence regarding whether it can meet the new, more stringent public interest requirements established by the *Virginia Cellular Order*," and that commenters should be given an opportunity to respond to any such supplemental filing. [10/](#) But as noted above, the statute itself makes it clear that no additional "public interest" showing is required for applications to serve non-rural ILEC areas. [11/](#) Moreover, as Verizon concedes, "the Commission did not articulate what the public interest standard would be for non-rural areas." [12/](#) It is impossible for Sprint to show that it meets a standard without knowing what that standard is, and unreasonable for anyone to expect Sprint to do so. For those reasons, among

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[9/](#) See Sprint Corp. Reply Comments on Sprint ETC Applications for Alabama, Georgia, New York, Pennsylvania, Tennessee & Virginia, CC Docket No. 96-45, at 11-16 (filed Nov. 20, 2003).

[10/](#) Verizon Comments at 2-3.

[11/](#) See Sprint Corp. Petition for Reconsideration of the Virginia Cellular Order, CC Docket No. 96-45 (filed Feb. 23, 2004). See also text accompanying note 3, *supra*.

[12/](#) Verizon Comments at 2, citing *Virginia Cellular Order*, ¶ 27.

others, Sprint has petitioned for reconsideration of the *Virginia Cellular Order*. [13/](#)

However, Sprint intends to provide information that will assist the Commission in evaluating its application.

In sum, the Commission should reject Verizon's arguments for denying or deferring Sprint's ETC application for Florida, and instead should grant that application expeditiously.

Respectfully submitted,

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[13/](#) See Sprint Corp. Petition for Reconsideration of the Virginia Cellular Order, CC Docket No. 96-45 (filed Feb. 23, 2004).