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

In the Matter of	)	
	)	
Rules and Regulations Implementing	)	CG Docket No. 02-278
Telephone Consumer Protection Act of 1991	)	
	)	
	)	

SPRINT COMMENTS

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April 15, 2004

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SPRINT COMMENTS

Sprint Corporation, on behalf of its local, long distance and wireless divisions ("Sprint"), submits these comments filed in response to the Commission's Further Notice of Proposed Rulemaking.

I. Safe Harbor for Calls to Wireless Numbers

The Commission should adopt the proposal by the Direct Marketing Association and the Newspaper Association of America of a safe harbor for autodialed and prerecorded message calls to wireless number that were recently ported from a wireline to wireless service provider, on the condition that the marketer must use a suppression list that is not more than 30 days old.

In November 2003, the Commission acknowledged that numbers previously used for wireline service could be ported to wireless service providers and that marketers would need to take steps to identify these numbers. The Commission noted that the information was available from a variety of sources. The number portability LLC's implemented interim measures to make the information available to marketers through

users of the LLC database. Since then, the LLC's have been working with its database vendor, Neustar, on terms to make the portability information available to marketers either through users or directly from Neustar. Neustar contractual requirements are being finalized.

Even if Neustar can make the porting information available fairly frequently, many companies simply do not have systems in place that would allow them to access the information on a real-time basis, prior to making a marketing call. Companies may use a variety of outside sources to conduct marketing calls, in addition to their own employee sale representatives. Expensive systems would have to be built to give vendors and employees access to the Neustar data on a real-time basis.

At this point, batch files must be distributed to internal and vendor sources, and the information then loaded into screening systems so that autodialed calls are not made to numbers recently ported from wireline to wireless. Realistically, that is not a process that can occur any more frequently than every 30 days, and Sprint would even recommend that the Commission consider extending the time to once every 45 days. At 30 days, by the time the lists are distributed and loaded, a significant part of the useful life of the batch file may be lost. There is little risk of inadvertent calls to numbers that have been ported from a wireline to wireless carrier. While intermodal porting is a critical public policy objective, which Sprint is committed to, intermodal porting levels at this time do not compel a time period less than 30 days.

II. National Do-Not-Call Registry and Monthly Updates by Telemarketers

The Commission seeks comment on whether it should modify its safe harbor for telemarketers that have made a good faith effort to follow the national do-not-call rules, if they meet certain conditions, including accessing the national DNC list on a quarterly basis. Specifically, the Commission asks whether it should modify its rules to require telemarketers to access the national DNC list every 30 days in order to claim the safe harbor.

Sprint supports reducing the time period from quarterly to every 30 days – which would be consistent with the FTC's safe harbor period. Consistent safe harbor provisions are in the best interest of marketers and consumers.

CONCLUSION

For the above-stated reasons, Sprint request that the Commission adopt a safe harbor for autodialed and prerecorded message calls to wireless number that were

recently ported from a wireline to wireless service provider, and that the Commission modify its safe harbor rules to require telemarketers to access the national DNC list every 30 days.

Respectfully submitted,

SPRINT CORPORATION

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