

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

In the Matter of)	
)	
Petition of WorldCom, Inc.)	
)	
Petition for Declaratory Ruling that West Virginia's Definition of Customer of Record is Inconsistent with the FCC's Rules)	Docket No. 94-129
)	
)	
)	

COMMENTS OF SPRINT CORPORATION

Sprint Corporation ("Sprint"), pursuant to the Public Notice issued April 7, 2004 (DA 04-962) by the Commission's Consumer and Government Affairs Bureau, respectfully submits its comments on the above-captioned petition for declaratory ruling filed by WorldCom (now known as MCI). MCI asks that the Commission preempt West Virginia's verification requirement that "only the 'customer of record' can verify carrier changes..." MCI Petition at 1. MCI points out that this rule directly conflicts with the Commission's verification rules which defines the term "subscriber" broadly to include, *inter alia*, "[a]ny adult person authorized by [such subscriber] to change telecommunications services or charge services to the account." 47 CFR 64.1100(h). MCI explains that preemption in this case is fully justified because while the West Virginia rule purportedly applies only to intrastate services, the rule has had, and continues to have, a detrimental impact on interstate competition. This is so, MCI says, because the rule severely limits, if not totally eliminates, the ability of IXCs to sell end users "all-distance" packages which includes both intrastate and interstate services. Thus, even if the spouse of the customer of record wanted to subscribe to such package offered by carrier other

than his current carrier, he would not be able to do so because he would not be able to verify the switch for local and local toll service.

Sprint agrees that the West Virginia rule adversely affects interstate competition to the detriment of consumers in West Virginia and to the overarching goals of the Act. Thus, Sprint strongly supports MCI's request here. Sprint would also point out that AT&T Communications of West Virginia has filed a petition for declaratory ruling with the Public Service Commission of West Virginia (PSC) asking that the PSC rule that "a person with 'apparent authority' satisfies the definition of 'subscriber' for the purposes of effectuating changes in telephone service providers." *In the matter of Petition of AT&T Communications of West Virginia for a Declaratory Ruling to enhance Consumers' Ability to Obtain Telephone Services in a Commercially Reasonably, Efficient and Convenient Manner*, Case No. 04-___T-P filed April 14, 2004. If the PSC grants AT&T's petition, MCI's request here would be moot. Thus, Sprint recommends that the Commission afford the PSC a short period of time, *e.g.*, one or two months, in which to rule on AT&T's petition. If the West Virginia PSC fails to act within that period, the Commission should then grant MCI's petition here.

Respectfully submitted,


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June 14, 2004

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Comments of Sprint Corporation in Docket No. 94-129 was delivered by electronic mail and U.S. First Class Mail, postage prepaid, on this 14th day of June 2004 to the parties listed below.


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