

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
SBC IP Communications, Inc.) CC Docket No. 99-200
Petition for Limited Waiver of)
Section 52.15(g)(2)(i) of the)
Commission's Rules Regarding Access to)
Numbering Resources)

COMMENTS OF SPRINT CORPORATION

Sprint Corporation, pursuant to the Public Notice released July 16, 2004 (DA 04-2144), hereby respectfully submits its comments on the above-captioned Petition for Limited Waiver filed by SBC IP Communications, Inc. (SBC IP).

In its petition, SBC IP requests that it be allowed to obtain numbering resources directly from the North American Numbering Plan Administrator (NANPA) and/or the Pooling Administrator (PA) for use in providing IP-enabled services, including Voice over Internet Protocol (VoIP) services, pending Commission action in the *IP-Enabled Services* docket (WC Docket No. 04-56). In order for VoIP customers to receive calls from customers on the public switched network, the VoIP customers must have a NANP telephone number. As an entity that has not sought state certification, SBC IP cannot obtain numbering resources directly. Rather than obtaining numbering resources for its VoIP customers through a competitive LEC partner, which may limit its ability to provide service (SBC IP Petition, p. 3), SBC IP here seeks a waiver of Section 52.15(g)(2)(i) to obtain such resources itself, directly from the NANPA and/or PA.

Sprint believes that the most logical and legally sustainable means of achieving the objective sought here by SBC IP -- direct access to numbering resources by VoIP service providers -- is to treat VoIP services as a telecommunications rather than an enhanced or information service. As demonstrated in Sprint's filings in the *IP-Enabled Services* proceeding, VoIP services that are offered and function as substitutes for traditional wireline voice calls are telecommunications services, and the Commission lacks authority under the statute to (mis)classify VoIP as an information service.¹ One of the primary benefits of classification as a telecommunications service is, of course, direct access by the telecommunications service provider to numbering resources.² However, Sprint recognizes that until the Commission makes a determination of the proper regulatory classification for VoIP services (which we urge be issued expeditiously), there will continue to be some uncertainty as to whether providers of VoIP services are entitled to obtain numbering resources directly. Thus, while Sprint does not endorse SBC IP's premise that VoIP should be classified as an information service, we do agree that VoIP service providers should be allowed to obtain numbering resources directly from the NANPA or the PA. For reasons of competitive parity, Sprint believes that the Commission should extend the waiver of Section 52.15(g)(2)(i) to all non-certificated

¹ See Sprint's Comments and Reply Comments, filed May 28, 2004 and July 14, 2004, in WC Docket No. 04-36.

² Another major benefit to classifying VoIP as a telecommunications service is to ensure the VoIP service provider's right to interconnect with other carriers under Section 251(c). Although SBC IP's petition does not encompass interconnection rights, the Commission should make clear its intention to act promptly if a situation arises in which a carrier refuses to interconnect with a VoIP service provider on the grounds that it (the VoIP service provider) is not a telecommunications service provider.

providers of VoIP services and/or their CLEC partners,³ rather than limiting the waiver to SBC IP.

Allowing direct access by all parties to numbering resources for use in the provision of VoIP services is in the public interest. VoIP technology shows great promise, and more and more entities are deploying this technology throughout their networks. Direct access to numbering resources will encourage the deployment of VoIP technology by, and the availability of VoIP services from, a wide range of service providers. The public will benefit from a greater array of calling options, and carriers can benefit from deployment of advanced technologies. To the extent that the waiver is conditioned upon compliance with all existing Commission numbering resource requirements (see SBC IP Petition, p. 10), thereby helping to ensure the wise use of a limited public resource, no party will be harmed by grant of the blanket waiver. Indeed, allowing direct access to numbering resources may reduce the incentive of some parties to manipulate the resale of numbering resources to which they do have access.⁴

Sprint believes that many current and potential VoIP service providers have decided, given the current lack of regulatory clarity about the appropriate classification of VoIP, not to seek state common carrier certification. It would be manifestly unfair to

³ The Commission should bear in mind that partnering with a CLEC may not necessarily ensure that a VoIP service provider is able to obtain numbering resources for its VoIP customers. For example, if the CLEC partner does not have retail customers of its own in a particular region, its request for numbers on behalf of the VoIP provider may be denied. Thus, the waiver of Section 52.15(g)(2)(i) should extend, to the extent necessary, to both the VoIP service provider and to its CLEC partner as regards either party's request for numbering resources to be used in the provision of VoIP service.

⁴ While Sprint recommends that this relief be extended to all VoIP service providers (and not just to SBC IP), such relief should still be in the form of a waiver because Section

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waive Section 52.15(g)(2)(i) of the Rules for SBC IP, but not for other non-certificated VoIP service providers or their partners. While other affected VoIP service providers could, of course, file their own “me too” waiver requests, such an approach is very inefficient, involves potentially significant regulatory lag which could affect the service provider’s ability to compete in the voice market, and could easily overwhelm the Commission’s already-stretched resources.

Grant of a waiver of a Commission rule or policy to a class of affected parties is by no means unprecedented. For example, in the local number portability (LNP) proceeding alone, the Commission has granted several waivers of various rules to a class of affected parties:

- It waived for 6 months the requirement that wireline carriers operating outside the 100 largest MSAs port numbers to wireless carriers that did not have a point of interconnection or numbering resources in the rate center where the customer’s wireline number was provisioned.⁵
- It granted a waiver of the wireline-to-wireless porting requirement for LECs with fewer than 2% of the nation’s subscriber lines that operate in the top 100 MSAs.⁶
- It granted BellSouth’s request for waiver of the rule that limits the time over which it may recover its carrier-specific costs of implementing LNP, and extended this waiver to all incumbent LECs that did not include the initial costs of implementing intermodal LNP in already-filed LNP cost recovery tariffs.⁷

52.15(g)(2)(i) would be waived for VoIP service providers only until the Commission adopts final numbering rules regarding IP-enabled services.

⁵ See *Telephone Number Portability, CTIA Petitions for Declaratory Ruling on Wireline-Wireless Porting Issues*, 18 FCC Rcd 23697, 23709 (para. 29) (2003).

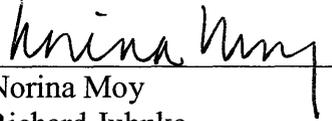
⁶ See *Telephone Number Portability*, 19 FCC Rcd 875 (2004). This waiver was granted through May 24, 2004.

⁷ *Telephone Number Portability; BellSouth Corp. Petition for Declaratory Ruling and/or Waiver*, 19 FCC Rcd 6800 (2004).

Waiver of Section 52.15(g)(2)(i) to any non-certificated entity which seeks to obtain numbering resources for the provision of VoIP services directly from the NANPA or PA is in the public interest, and grant of the waiver to the entire class of affected parties is fully warranted for reasons of competitive equity. Sprint accordingly urges expedited Commission action on the blanket waiver recommended above.

Respectfully submitted,

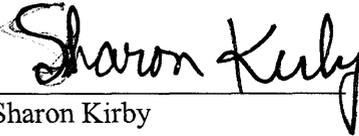
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August 16, 2004

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Comments of Sprint Corporation in CC Docket No. 99-200 was delivered by electronic mail or U.S. First Class Mail, postage prepaid, on this 16th day of August 2004 to the parties listed below.


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