401 9th Street, NW, Suite 400
Washington, DC 20004

November 2, 2004

Marlene H. Dortch
Secretary
Federal Communications Commission
TW-A325
445 12th St., SW
Washington, D.C. 20554

Re: Ex Parte Presentation,
WCB Docket Nos. 04-36 and 03-211

Dear Ms. Dortch:

Today, Dick Juhnke, David Nall, John Benedict and I met with Jessica Rosenworcel of Commissioner Copps' office to discuss issues relating to jurisdiction and state preemption in the above-referenced dockets.

We stated that Sprint's primary interest is in sound, legally sustainable decision that provide regulatory certainty to business planning and that apply even-handedly. In that regard, we stated that varying the degree of regulation with the presence or absence of market power was far more sound than doing so on the basis of the technology chosen by the service provider. Much of our presentation reiterated arguments made in our written submissions in the above dockets.

In addition, addressing the argument that VoIP is inherently interstate because the provider has no way of knowing the origin and/or destination point of particular calls, we argued that VoIP service is highly unlikely to be confined to persons that are continually accessing the service from different locations, and that the far more realistic assumption is that VoIP will largely be used by persons to make calls from their homes or offices, and that overall, these calls are likely to exhibit the same mix of local, intrastate long distance, and interstate long distance that voice traffic generally exhibits. We also pointed out that two VoIP providers – AT&T and Vonage – have either recently instituted (in AT&T's case) or recently discontinued (in Vonage's case) service options that differentiate between local and long distance calls, and that both carriers' websites encourage their customers to register the location from which their calls will be made for purposes of establishing 911 capability.

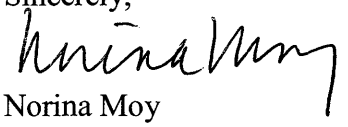
With respect to preemption, we noted that the examples of burdensome state regulation referred to in the record apply today to other providers of voice services, and we argued that if the Commission decides to preempt VoIP services on the basis of those burdens, it should extend the preemption to other voice services as well.

Sprint also voiced concern that an order confined to the issue of jurisdiction could have the effect of prejudging other matters, such as intercarrier compensation, that are at issue in WCB Docket No. 04-36.

I request that this letter, which is being filed electronically, be placed in the file for the above-captioned proceedings.

Please contact me at (202) 585-1915 with any questions.

Sincerely,



Norina Moy
Director, Federal Regulatory
Policy and Coordination

c: J. Rosenworcel