



Michael B. Fingerhut
General Attorney

401 9th Street, Northwest, Suite 400
Washington, D.C. 20004
Voice 202 585 1909
Fax 202 585 1897
PCS 202 607 0624
michael.b.fingerhut@mail.sprint.com

December 17, 2004

BY E-MAIL

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington D.C. 20554

Re: *EX PARTE* PRESENTATION (SUPPLEMENT): National Association of State Utility Consumer Advocates (NASUCA) Petition for Declaratory Ruling Regarding Truth-in-Billing CG Docket No. 04-208; Billing Format Truth-in-Billing and Billing Format CC Docket No. 98-170

Dear Ms. Dortch:

On December 15, 2004, Sprint met with Jay Keithley, Gene Fullanno, Ruth Yodaiken, Erica McMahon, and Leon Jackler of the Consumer and Government Affairs to discuss certain issues raised by the declaratory petition filed by NASCUA in the above-referenced proceedings. The Sprint representatives attending the meeting were Richard Juhnke, Vice President, Federal Regulatory Affairs, Luisa Lancetti, Vice President, Wireless Regulatory Affairs, Charles McKee, General Attorney and the undersigned.

Sprint filed an *ex parte* of this meeting together with certain materials that the staff requested on December 16, 2004. With this filing Sprint supplements its December 16, 2004, *ex parte* filing to provide further details as to matters discussed at the meeting.

Specifically, Sprint explained why the petition by NASCUA and the relief sought were totally without merit. In this regard Sprint raised the same points as those in its opposition. Sprint and the staff also discussed the following issues:

- Whether the Commission could within this proceeding issue general "truth-in-billing" rules applicable to CMRS which would address consumer concerns regarding individual line item surcharges carriers and which would preempt State regulation. Sprint indicated that the Commission generally has the authority under the Act to exercise its preemption authority in this manner but further indicated that more detail would be necessary before potential administrative law concerns could be addressed.

- Whether the Commission has the authority to preempt the public utility commissions of the States from imposing upon wireline interexchange carriers their own versions of truth in billing rules. Sprint explained that based on court precedent the Commission had the authority to preempt such regulation by State public utility commissions but Sprint did not state a position on whether the Commission should exercise its preemption authority here.
- The scope of State regulation regarding the billing and other practices of CMRS providers. In this regard, Sprint and the staff discussed the Assurance of Voluntary Compliance that Sprint PCS entered into with the Attorneys General of 32 States.

Respectfully submitted,

Michael Fingerhut/en

cc: Jay Keithley
Gene Fullanno
Ruth Yodaiken
Erica McMahan
Leon Jackler