

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

In the Matter of)	
)	
Petition of BellSouth Telecommunications, Inc.)	
)	WC Docket No. 04-405
For Forbearance Under 47 U.S.C. §160(c) From)	
Application of Computer Inquiry and Title II)	
Common Carrier Requirements)	
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COMMENTS OF SPRINT CORPORATION

Sprint Corporation ("Sprint"), on behalf of its wireline and wireless operating divisions, hereby respectfully submits its comments on the above-captioned petition by BellSouth Telecommunications asking that the Commission eliminate Title II regulation of broadband transport facilities, including the application of the safeguards adopted in the Commission's *Computer II* and *Computer III* decisions (collectively, *Computer Inquiry*)¹ to the provision of such facilities by incumbent local exchange carriers (ILECs), through forbearance. BellSouth's petition must be denied. It is nothing more than a repackaged version of BellSouth's pleadings in CC Docket No. 02-33 (*Appropriate Framework for Broadband Access to the Internet over Wireline Facilities*) where the Commission is considering whether to eliminate the safeguards adopted in *Computer Inquiry* with respect to the provision of broadband transmission facilities. The record in that proceeding conclusively demonstrates that the elimination of such safeguards

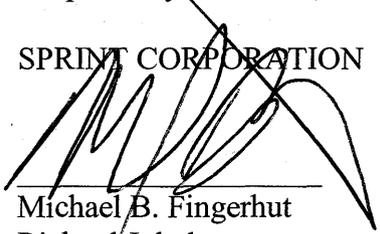
¹ The Commission's Computer II safeguards were adopted in *Amendment of Section 64.702 of the Commission's Rules*, 77 FCC 2d 384 (1980), *recon.*, 84 FCC 2d 50 (1980), *further recon.*, 88 FCC 2d 512 (1981), *aff'd sub nom.*, *Computer & Communications Industry Ass'n v. FCC*, 693 F.2d 198 (D.C. Cir. 1982), *cert. denied*, 103 S.Ct. 2109 (1983). The Commission's *Computer III Phase I* safeguards were adopted in *Amendment of Section 64.702 of the Commission's Rules*, 104 FCC 2d 958 (1986), subsequent history omitted and the Phase II decision adopting safeguards is reported at 2 FCC Rcd 3072 (1987), subsequent history omitted.

would be contrary to the public interest. Indeed, there was near unanimity of opinion across the broad telecommunications sector of the economy that competition in all telecommunications markets, that national security and emergency preparedness, and that the goal of ensuring access to the telecommunications by Americans with disabilities would be imperiled if the Commission were to do away with *Computer Inquiry* safeguards.²

BellSouth and the other Regional Bell Operating Companies (RBOC) were about the only parties in CC Docket No. 02-33 to urge the elimination of such safeguards; but their arguments were devoid of factual substance and misrepresented the Act and legal precedent. Of equal importance, and of particular relevance to standards for judging BellSouth's forbearance petition, neither BellSouth nor any other RBOC demonstrated that the elimination of the *Computer Inquiry* safeguards would serve the public interest. The Commission simply cannot ignore such record when it evaluates BellSouth's forbearance petition. And that record compels denying the relief sought by BellSouth.

Respectfully submitted,

SPRINT CORPORATION



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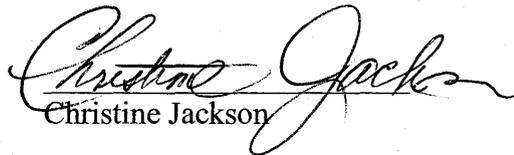
Its Attorneys

December 20, 2004

² Sprint hereby incorporates by reference its Comments filed May 3, 2002 and its Reply Comments filed July 1, 2002. For the staff's convenience, Sprint has attached copies of these pleadings hereto.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **COMMENTS OF SPRINT CORPORATION** was filed by electronic mail or by United States first-class mail, postage prepaid, on this the 20th day of December 2004, to the parties listed below.


Christine Jackson

December 20, 2004

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