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May 17, 2005

**BY ELECTRONIC MAIL**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: WC Docket No. 05-68; *In the Matter of AT&T Corp. Petition For Declaratory Ruling Regarding Enhanced Prepaid Card Services* (WC Docket No. 03-133), *Order and Notice of Proposed Rulemaking*, FCC 05-41 (Released February 23, 2005)**

Dear Ms. Dortch:

Sprint inadvertently failed to attach its April 5, 2005 *Ex Parte* Letter in WC Docket No. 03-133 to its Reply Comments filed May 16, 2005 in the above-referenced docket. *See* footnote 4 where Sprint stated that this letter was attached. Thus, Sprint has attached letter hereto and requests that it be associated with its Reply Comments in this proceeding. Sprint apologizes for any inconvenience its error here may cause you or your staff.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "M.B.F.", written over a large, sweeping flourish that extends to the right.

Attachment

cc: All parties on attached service list.



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April 5, 2005

**BY ELECTRONIC MAIL**

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**Re: *EX PARTE PRESENTATION: In the Matter of AT&T Corp. Petition For Declaratory Ruling Regarding Enhanced Prepaid Card Services (WC Docket No. 03-133), Order and Notice of Proposed Rulemaking, FCC 05-41 (Released February 23, 2005)***

Dear Ms. Dortch:

Sprint's position on the merits of AT&T's petition for declaratory ruling is familiar to the Commission<sup>1</sup> and Sprint believes the Commission's *Prepaid Card Decision*, referenced above, is entirely sound, both legally and factually.<sup>2</sup> Sprint's purpose in filing this letter is to address AT&T's accusation in its Stay Motion that a number of carriers, including Sprint, "are not

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<sup>1</sup> See, e.g., Opposition of Sprint filed June 26, 2003.

<sup>2</sup> AT&T argues in its Motion for Stay Pending Appeal, a correct copy of which was filed March 29 2005 ("Stay Motion"), that it would be entitled to a stay notwithstanding the fact it cannot meet the four-part test enunciated in *Virginia Petroleum Jobbers Assn v. FPC*, 259 F.2d 921, 925 (D.C. Cir. 1958) because it is willing "to secure by May 15, 2005 a letter of credit that would cover the amount of the federal liabilities that are hereafter assessed by USAC, plus interest that would accrue beginning on May 15, 2005." Motion for Stay at 2. Regardless of the merits of such argument, Sprint observes that AT&T's offer is incomplete. It does not appear to extend to the money it owes local exchange carriers for its use of intrastate access services. Thus, Sprint's local service carriers could be delayed in their attempts to recover tens of millions of dollars in access charges, plus interest, unlawfully withheld by AT&T while its appeal of the *Prepaid Card Decision* is pending.

paying USF or intrastate access charges,” *id.* at 4, and that they “are routing prepaid card calls through foreign countries and delivering traffic for termination as if it were international traffic or are otherwise delivering traffic without the originating CPN [calling party number] that would permit its identification as intrastate traffic.” *Id.* at 4-5.

AT&T’s charges with respect to Sprint are without foundation. Sprint has never sought to avoid paying USF on prepaid card revenues by classifying such revenues as being derived from the provision of information services, and AT&T provides no evidence to the contrary. Likewise, Sprint does not seek to avoid intrastate access charges. The only contrary “evidence” offered by AT&T is in the Declaration of Adam Panagia, attached to the Stay Motion. Mr. Panagia states that AT&T used a Sprint prepaid card to make ten intrastate voice wireline calls in late February that originated in Austin and terminated at an AT&T local switch in Dallas. Mr. Panagia reports that on all of these calls “the calling party number was missing except for a Texas area code.” As a result and “consistent with industry practice,” AT&T classified the jurisdiction of these calls as “unknown,” which in turn meant that access charges would have to “based on factors designed to reflect the expected mix of intrastate and interstate access.” Panagia Declaration at 6-7, ¶17. While AT&T is correct that Sprint does not deliver the complete calling party number on prepaid card calls in the call detail record that is furnished to the terminating carrier, the inference AT&T draws from that omission is unwarranted.

When a Sprint prepaid card user dials the toll-free number to reach Sprint’s prepaid card platform, the ANI of the phone from which the number was dialed, *e.g.*, a payphone, the home or office phone of a friend of the caller, will be delivered to the platform. However, except for the area code, Sprint’s platform removes the originating ANI from the call record that is generated once such user dials the number of the person she wishes to reach. The purpose of omitting the full calling party number in the call detail record is to ensure that when the call detail record is sent through Sprint’s billing system, the originating number will not be mistakenly billed for the prepaid call.

In cases where the LEC receives a call record with only an area code in the originating number field, the LEC cannot automatically assign the call to either the interstate or intrastate jurisdiction and will, therefore, label the jurisdiction of the call as unknown. Although LEC action here is consistent with industry practice, it does not provide Sprint the freedom to assign such calls to the interstate jurisdiction. To the contrary, Sprint must provide the LEC with a PIU – which is subject to audit – to enable the LEC to assign the calls in the “unknown bucket” to the correct jurisdiction. And, in developing its PIU factors, Sprint correctly assigns the prepaid card call to the appropriate jurisdiction. Even though Sprint’s prepaid card platform strips the originating ANI from the call record that is sent to its billing system and to the terminating LEC, the platform sends both the originating and terminating ANIs to the system generating the PIUs given to the LECs. Sprint’s toll-free originating PIUs and terminating PIUs both properly account for the jurisdiction of the prepaid card calls.

In short, by including the area code, but omitting the full calling party number from the call detail record furnished to the terminating LEC, Sprint informs the LEC of the point of origin of the call and signals the LEC that it should rely on Sprint’s PIU factors to properly bill access

Marlene H. Dortch  
April 5, 2005  
Page 3

charges. And, Sprint's PIU calculations account accurately for the true mix of interstate/intrastate prepaid card calls.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Marlene H. Dortch", followed by a large, stylized flourish or loop.

cc: All parties on attached service list

CERTIFICATE OF SERVICE

I hereby certify that, on this 5th day of April 2005, I caused true and correct copies of the foregoing to be served by e-mail or First Class U.S. Mail, postage prepaid, to the parties below.

  
Sharon L. Kirby

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## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **LETTER** of Sprint was filed by electronic mail and copies sent as indicated on this the 17<sup>th</sup> day of May 2005 to the parties on the attached list.

  
Christine Jackson

May 17, 2005

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