

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

In matter of)	
)	
Evslin Consulting and pulver.com)	
)	RM-11327
Petition for Rulemaking To)	
Preserve Post-Disaster)	
Communications)	
_____)	

COMMENTS OF SPRINT NEXTEL CORPORATION

Sprint Nextel Corporation (“Sprint”), pursuant to Public Notice DA 06-825 issued April 7, 2006, hereby respectfully submits its comments on the above-captioned petition for rulemaking filed by Evslin Consulting and pulver.com (“Petitioners”). As set forth below, Petitioners’ request that the Commission institute a rulemaking is both ill-conceived and flawed. Accordingly, Sprint urges the Commission to deny the petition.

Petitioners have asked the Commission to initiate a proceeding to “...mitigate the effects of long-term telephone outages in the event of natural disasters and other public crises,” Petition at 1, “by requiring local telecom providers to take steps to ensure that customers can remain connected to friends and family via their phone numbers even if their actual phone service suffers a long-term outage.” *Id.* at 4-5. Such steps, say the Petitioners, must include the requirements that “any provider obligated to provide E911 services to establish an alternative communications service for affected customers via either: (1) activating for each customer a voicemail service that would be accessed by incoming callers dialing the customer’s phone number, or (2) providing expedited local number porting to an alternative service provider

selected by the customer, including porting to a number outside of the geographic area and/or rate center.” *Id.* at 5

Petitioners’ argument that the imposition of new and costly obligations on carriers is necessary appears to be premised on the notion that the Commission is unable to act quickly in a disaster to assist carriers in their efforts to restore communications in the affected areas. As the Commission’s efforts in the wake of Katrina showed, such premise is demonstrably false. *See* “The Federal Response to Hurricane Katrina Lessons Learned” (February 2006) Appendix B at 142 (“The [Federal Communications] Commission acted quickly to facilitate the resumption of communications services in the affected areas to authorize the use of temporary communications service for use by emergency personnel and evacuees in shelters”).

Petitioners’ argument that rules need to be adopted to cope with communications failures in disasters also ignores the fact that every disaster is unique. Thus, the Commission and the carriers must have the flexibility to deal with problems that arise so that they are able to restore communications as quickly as possible. Subjecting carriers to a set of rigid requirements such as those being urged by Petitioners would be counter-productive and force carriers to devote resources complying with rules rather than to restoring communications. In any event, given the fact that the Commission has determined to consolidate its disaster response efforts in the soon-to-be-established Public Safety and Homeland Security Bureau, Sprint is confident that the Commission will be in an even better position than it was during the last hurricane season to react quickly to disasters and provide carriers with the necessary regulatory relief “to facilitate the resumption of communications services.”

Moreover, even assuming that the Commission needs to have in place a set of standard policies to be followed in the wake of a disaster, such policies should be developed in broad-

based fora such as NRIC or the Katrina Blue Ribbon Committee, where subject matter experts within industry, public safety officials and regulators can openly discuss and thoroughly vet various ideas.¹ Such open dialogue and cooperation simply cannot take place in a rulemaking proceeding in which a party's position is set forth by lawyers and consensus is difficult to achieve.

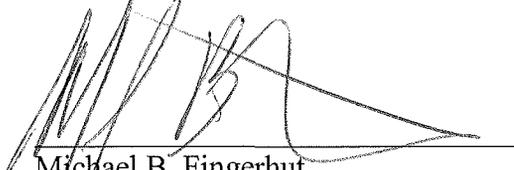
Further, any serious proposal for mitigating the effects of long-term outages must give full consideration to both the costs and the benefits of modifying existing rules or imposing new obligations on carriers. Consideration of these costs and benefits must include an understanding of whether it is preferable to mandate specific procedures (as the Petitioners have done), or to allow carriers the flexibility to respond to different types of outages in different ways. The Petitioners' proposals reflect no such consideration, and no such understanding. Indeed, the Petitioners fail to provide any justification for the requirements that they would have the Commission impose. For example, Petitioners' choice of twelve hours as a threshold for defining a long-term outage is offered without any support; Petitioners' proposal that the Commission require that out-of-region porting be "completed within 2 hours" is put forth apparently without consideration to feasibility, cost, or the overall volume of numbers to be ported; and Petitioners' offhand reference that the costs associated with the proposals could be "subsidized by the Universal Service Funds" seeks to unjustly shift the costs of their proposals onto the customers of carriers as opposed to the entities like pulver.com that presumably would be the beneficiary of the porting proposals Petitioners advocate.

¹ In this regard, the Local Number Portability Administration Working Group, under direction by the North American Numbering Council (NANC), is in the process of producing a report intended to evaluate the success of allowing out-of-LATA porting and pooling for disaster relief.

Accordingly, Sprint recommends that the Commission deny the request for rulemaking.

Respectfully submitted,

SPRINT NEXTEL CORPORATION

A handwritten signature in black ink, appearing to read 'Michael B. Fingerhut', is written over a horizontal line. The signature is stylized and somewhat cursive.

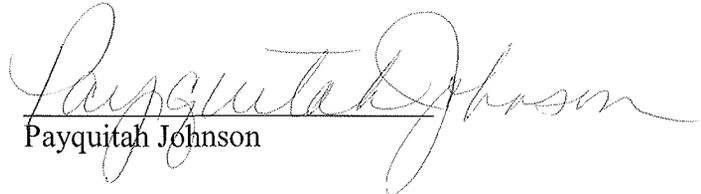
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April 27, 2006

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Comments of Sprint Nextel Corporation were delivered by electronic mail or First Class, postage prepaid, U.S. Mail on this 27th day of April, 2006 to the parties listed below.


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