



Sprint Nextel
2001 Edmund Halley Drive, 2nd Floor
Reston, VA 20191
Office: (703) 592-5188 Fax: (703) 433-4804

John E. Benedict
Director
Government Affairs

February 7, 2007

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Room TWB-204
Washington, DC 20554

Re: Notice of Ex Parte Communication

Petition of Time Warner Cable for Declaratory Ruling that Competitive Local Exchange Carriers May Obtain Interconnection Under Section 251 of the Communications Act of 1934, as Amended, to Provide Wholesale Telecommunications Services to VoIP Providers

WC Docket No. 06-55

Dear Ms. Dortch:

On February 6, 2007, Anna Gomez and I met at the Wireline Competition Bureau on behalf of Sprint Nextel Corporation with Renee Crittenden, Chief of the Competition Policy Division, Jeremy Miller, Deputy Chief, and Jennifer Schneider, Senior Attorney, about the petition for declaratory ruling, pending in this docket. Monica Barone from Sprint Nextel joined the meeting by telephone. Karen Reidy, CompTel Vice President - Regulatory Affairs, also participated on behalf of the competitive industry.

We supported prompt grant of the petition to ensure that federal law is applied correctly and consistently. Wholesale carriers, we observed, enable competition and benefit the public. Misapplication of section 251 of the Act by some state commissions, and mischaracterization of section 251 obligations by some rural LECs, are frustrating entry, preventing consumer choice, and discouraging investment in rural areas that most need it.

We explained that sections 251(a) and (b) obligate all LECs, even rural carriers, to interconnect with wholesale telecommunications carriers for the exchange of traffic in support of cable telephony or other competitive services. We emphasized the importance of a thorough, comprehensive order, to ensure federal law is properly applied, to enable competition and consumer choice, and to end continued, needless litigation and appeals by some rural LECs that are unwilling to accept their obligations under federal law. Reconfirmation of wholesale carriers' right to interconnection under section 251(a) and (b), and arbitration rights under section 252, are critically important to all wholesale carriers and their customers. The attached outline was shared at the meeting.

Pursuant to the requirements of Section 1.1206 of the Commission's rules, Sprint is filing an electronic copy of this notice for addition to the docket.

Respectfully submitted,

John E. Benedict

cc: Jeremy Miller
Jennifer Schneider
Renee Crittenden

**TIME WARNER CABLE
PETITION FOR DECLARATORY RULING
WC Docket No. 06-55**

Cable-based telephony, supported by a wholesale carrier like Sprint, is the best hope for new facilities-based competition, especially in rural areas.

The cable company provides upgraded last-mile facilities and customer relationships.

Sprint provides a nationwide network and a menu of services.

Services can include interconnection to the PSTN; billing for intercarrier compensation; switching; long distance; number assignment, administration, and porting; operator services, directory assistance, and DA call completion; 911 provisions, administration, and PSAP contract negotiation; directory listings.

Sprint provides these services to a dozen cable companies (large and small), and offers them to any similarly situated last-mile provider.

Wholesale carriers have a right to interconnection under federal law, even with rural carriers.

The Commission should ensure state commissions apply federal law correctly and uniformly.

Some RLECs have gone to great lengths to block or delay competitive entry.

BOCs and major ILECs have not questioned Sprint's right to interconnection, and many states have recognized wholesale carriers are entitled to interconnection.

Yet some RLECs seek to block expansion of Sprint's CLEC authority, refuse requests for 251(a)-(b), refuse to arbitrate, refuse to exchange this traffic, discriminate against wholesale carriers.

Some state commissions have misapplied federal law, prompted by RLEC arguments.

Wholesale carriers should not have to litigate these issues -- much less in multiple proceedings in each state, in state after state, and on appeal.

Litigation and delay hurts competitors and consumers, discourages investment in rural areas, and undermines Commission and statutory goals.

The Commission should issue a declaratory ruling that closes the door firmly on any challenge on a wholesale carrier's rights to interconnect to provide wholesale services.

The Commission should affirmatively declare that wholesale carriers like Sprint have a right to interconnection under 251(a)-(b) and 252 and that:

It does not matter whether a wholesale carrier has end-user customers;

It does not matter whether a wholesale carrier is CLEC-certificated;

It does not matter whether a wholesale carrier serves one customer or many;

It does not matter whether a wholesale carrier's service agreements are individually tailored to the wholesale customer's needs, or whether their terms are confidential;

It does not matter whether a wholesale carrier's customer uses VoIP or any other technology in providing its own services; and

The 251(f)(1) rural exemption applies to 251(c) interconnection, but does not exempt RLECs from their duties to interconnect under 251(a) and (b) or their duty to arbitrate under 252.