Sprint
Together with NEXTEL

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Anna M. Gomez
Vice President – Government Affairs,
Federal Regulatory

September 26, 2007

Via Electronic Submission

Ms. Marlene H. Dortch
Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-A325
Washington, DC 20554

Re: ***Ex Parte Communication***
Special Access Rates for Price Cap Local Exchange Carriers, WC Docket No. 05-25; Petition for Declaratory Ruling Filed by CTIA Regarding Whether Early Termination Fees Are "Rates Charged" Within 47 U.S.C. Section 332, WT Docket No. 05-194; Petition for Declaratory Ruling Filed by SunCom, and Opposition and Cross-Petition For Declaratory Ruling Filed by Debora Edwards, Seeking Determination of Whether State Law Claims Regarding Early Termination Fees Are Subject to Preemption Under 47 U.S.C. Section 332(c)(3)(A), WT Docket No. 05-193

Dear Ms. Dortch:

On September 25, 2007, Gary Forsee, Chief Executive Officer, Laura H. Carter, Vice President, Government Affairs, Sprint Nextel, and the undersigned met with Commissioner Deborah Taylor Tate and Chris Moore, Legal Advisor to Commissioner Tate. Sprint Nextel discussed issues consistent with its comments in the above dockets. Specifically, Sprint Nextel recounted the history of early termination fees ("ETFs"), noting that the wireless industry adopted ETFs as a way to provide reduced-cost handsets and discounted monthly recurring rates to consumers. Sprint Nextel offers phones and rate plans with no ETF commitments, including pre-paid wireless services without contracts and post-paid pricing plans without contracts. Consumers have a choice and have demonstrated a preference for ETF plans. Sprint Nextel thus urged the Commission to give it the flexibility to respond to what consumers want, whether it is low- or no-cost phones or no ETFs.

In response to the Commissioner's questions, Sprint Nextel also discussed issues consistent with its comments in the special access proceeding. Specifically, Sprint Nextel stated

that it supports deregulation where a market is competitive, such as the retail wireless and retail long distance markets. The special access market, however, is unique in that it is a market failure, which requires governmental intervention. While Sprint Nextel is constantly seeking competitive alternatives to the local exchange carriers, those competitive alternatives represent but a small percentage of Sprint Nextel's special access needs.

The special access overcharges present a significant competitive issue, made worse by the consolidation of the two largest local exchange, wireless and long distance providers, AT&T and Verizon. To ensure that Sprint Nextel can continue to compete against AT&T and Verizon in a healthy manner, the Commission must discipline the special access overcharges.

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed electronically in the above-referenced dockets.

Sincerely,

/s/ Anna M. Gomez
Anna M. Gomez

Cc: Commissioner Deborah Taylor Tate
Chris Moore