

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Establishing Just and Reasonable) WC Docket No. 07-135
Rates for Local Exchange Carriers)

**REPLY COMMENTS
OF
SPRINT NEXTEL CORPORATION**

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Summary

The record in this proceeding demonstrates that traffic pumping has mushroomed into a hundred-plus million dollar problem, and that certain incumbent and competitive local exchange carriers have manipulated existing regulations to charge excessively high rates. Prompt action is required to help ensure that LEC rates are just and reasonable, and to minimize the financial incentive to engage in unlawful traffic pumping activities. The FCC should adopt the following targeted safeguards:

- rate adjustment trigger -- ILECs that meet an aggressive growth trigger and that file their own tariffs pursuant to Sections 61.38 and 61.39 would be obliged to adjust their rates to reflect updated demand (and, if relevant, revenue requirement) quantities, and would be subject to a true-up mechanism to flow through earnings above the maximum authorized rate of return;
- revised CLEC benchmark rates – CLECs that meet an aggressive growth trigger would be subject to a benchmark rate tied to the rates charged by the dominant RBOC, rather than the rural ILEC or NECA rates;
- certification requirements – LECs would be obliged to certify that they are not and will not engage in traffic pumping activities during a specified time period. Traffic pumping would be carefully defined so that the scope of the certification is clear; and
- modest limitations on NECA pool re-entry – LECs that have exited the NECA pool would be limited from re-entering the pool for at least 2 tariff cycles to ensure that they adjust their rates to reflect, for at least one tariff cycle, any increase in demand.

These measures are targeted, minimally burdensome, and necessary to help ensure that LEC rates are just and reasonable. Therefore, the Commission should implement these safeguards expeditiously.

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REPLY COMMENTS OF SPRINT NEXTEL CORPORATION

Sprint Nextel Corporation (Sprint Nextel) hereby respectfully submits its reply to comments filed in the above-captioned rulemaking proceeding. The record in this proceeding demonstrates that traffic pumping has mushroomed into a hundred-plus million dollar problem, and that certain incumbent and competitive local exchange carriers (ILECs and CLECs) have manipulated existing regulations to charge excessively high rates. To ensure that LEC rates are just and reasonable, while minimizing any regulatory burden, the Federal Communications Commission (FCC or Commission) should revise its rules to incorporate targeted rate adjustment trigger safeguards for ILECs and CLECs; certification requirements; and modest limitations on NECA pool re-entry.

I. COMMENTS CONFIRM THAT UNLAWFUL TRAFFIC PUMPING IS A SERIOUS PROBLEM.

The comments filed in this proceeding confirm that unlawful traffic pumping is a serious, on-going problem. Interexchange carriers (IXCs) have described the extraordinary increases in originating and terminating minutes and in assessed access charges they have experienced as a result of traffic pumping activities by numerous

ILECs and CLECs and their “free service” partners, and wireless carriers have reported similar increases in problematic local traffic.¹ Although the universe of bad actors is relatively small, these LECs and their partners have generated hundreds of millions (more probably billions) of minutes of problematic traffic, for which they have assessed unjust and unreasonable rates. Moreover, both the circle of LECs identified as engaged in unlawful traffic pumping, and the types of traffic pumping activities being perpetrated (including schemes involving calls to Internet Service provider access numbers²), have continued to expand over time.³ CLECs are currently the focus of much of the on-going traffic pumping. As long as LECs have the incentive and ability to earn and retain windfall profits, unlawful traffic pumping will continue.

Sprint Nextel has not previously challenged reasonable efforts by local exchange carriers to increase their interstate access traffic volumes. To the contrary, it is to be expected that a prudent business will attempt to increase its revenues, and so long as those efforts are legal, involve the provision of service at just and reasonable rates, and do not involve traffic pumping schemes, such as those described in this record, they should be permitted. What Sprint Nextel firmly opposes here is the practice of certain LECs to set their rates at levels which they know, or should know, will generate an unlawful rate of return given their efforts to increase dramatically the volume of minutes on which they assess these excessive rates. The unjust and unreasonable character of

¹ See, e.g., Sprint Nextel, p. 2; AT&T, p. 6; Verizon, Declaration of Alan Buzacott; Qwest, p. 3; MetroPCS, p. 2; Leap Wireless, p. 3.

² See Sprint Nextel, p. 4.

³ It is incorrect to assert that traffic pumping either has largely “been terminated” (Western Telecommunications Alliance (WTA), p. 1), or is “speculative” (Trans National Communications International, p. 5).

these rates is exacerbated if the LEC includes in its revenue requirement the “marketing fees” it pays its “free service” partner(s) to pump traffic.

The record in this proceeding also confirms that the cost characteristics of providing switched access services, combined with the peculiarities of the rate-setting process for small rate-of-return carriers that file their own tariffs, provide ample opportunity for these LECs to earn rates of return far in excess of the maximum authorized amounts. Numerous commenting parties affirm the Commission’s analysis (NPRM, para. 14) that a LEC’s average cost per minute of switched traffic declines as traffic volumes increase;⁴ declining average costs, combined with the practice of basing rates on very low historical demand quantities when actual demand is far higher, inevitably result in substantial overearnings by the LECs involved. NECA, one of the foremost authorities on LEC cost structures, has developed average schedule formulas which reflect the significant economies of scale realized by average schedule companies; these formulas project sharply lower costs per minute as demand increases.⁵ Insofar as Sprint Nextel is aware, no commenting party provided any data to rebut the presumption that LECs’ average traffic sensitive costs decline as demand increases.

While CLECs are not subject to the same rate-setting rules (Section 61.38 and 61.39) as are the small rate-of-return ILECs, the Commission’s CLEC rate benchmarking rules provide ample opportunity for CLECs to also earn excessive returns from their traffic pumping activities. The Commission’s current rules permit CLECs to charge the same rates as those charged either by the incumbent rural LEC in the service territory or

⁴ See, e.g., Sprint Nextel, p. 11; AT&T, p. 12; Verizon, p. 11; Qwest, p. 12; USTA, p. 4; NECA, p. 5; Ohio PUC, p. 7; JSI, p. 13.

⁵ NECA, pp. 5-7.

by NECA (at its highest rate band). Not surprisingly, certain CLECs have set up shop – apparently with traffic pumping partners as their primary or perhaps only subscribers -- in areas where the ILEC charges very high access rates. Rural exchanges with only a few hundred access lines are not the type of market which most CLECs typically would choose to enter,⁶ yet it is in several small rural exchanges that Sprint Nextel has identified significant traffic pumping activity by certain CLECs. A CLEC that offers service in such small rural exchanges presumably is quite confident that it can earn a profit at the benchmark rate given its anticipated traffic volumes.⁷ Moreover, because CLECs do not participate in the NECA pool, their profits are not diluted by any pooling arrangements.

Certain of the “free service” providers advance the implausible and unsubstantiated assertion that the IXCs’ opposition to traffic pumping is motivated by a desire to put competitors out of business.⁸ In fact, Sprint Nextel has opposed unlawful traffic pumping activities not because it fears competition from providers of international or conference call services, but because Sprint Nextel has been assessed grossly excessive, unjust and unreasonable rates on hundreds of millions of minutes by ILECs

⁶ As the Rural Independent Competitive Alliance (RICA), a CLEC coalition, stated (pp. 6-7), “[t]here is usually simply no business case for overbuilding a small rural ILEC, because the ILEC’s modern, reliable service and local presence preclude a CLEC from obtaining the substantial market share necessary for viability.”

⁷ RICA asserted that “rural CLECs do not have the same incentives to use revenue sharing to stimulate traffic as ILECs, if for no other reason, than the fact that the Commission’s CLEC access regulations allow little or no “headroom” in their regulated access rates” (p. 5). It is not clear why a CLEC would choose to enter a market in which it is limited to rates that are below its costs. Thus, to the extent that the ILEC/NECA benchmark rates exceed the CLEC’s cost of providing service, the CLEC would indeed have an incentive to engage in traffic pumping and could profitably share its revenues with its traffic pumping partners up to the point that the revenue sharing amount plus its cost of providing service equal the benchmark rate.

⁸ *See, e.g.*, GCP, p. 2; Futurephone.com, p. 22.

who are earning windfall profits at our expense. Sprint Nextel also objects to the demand that it pay the price of services which it does not use. Both GCP and Futurephone.com acknowledge that they do not charge their own customers for their services, and instead recover the price of providing their services from “marketing fees” tied to the amount of traffic they are able to pump for the LEC paying such fees.⁹ While Sprint Nextel understands why such a business model may be attractive to the “free service” providers, and indeed to the end users that are receiving a service free of charge, it is neither economically rational nor pro-competitive to foist the cost of providing a service to specific end user customers onto another party – the IXC and, ultimately, its general customer base and/or shareholders -- that is not itself a user of the “free” service. Because traffic pumping arrangements “shield the real consumers of their services (e.g., free conference call users) from prices that reflect the actual costs of the services they consume, but instead generate involuntary cross-subsidies from the shareholders and customers of third party firms such as AT&T and Qwest, efficient competition and hence consumer welfare are undermined.”¹⁰ The public interest requires that the Commission aggressively enforce its prohibition on LECs’ recovery of revenue sharing costs associated with traffic pumping through access charges.¹¹

Certain parties assert that it is somehow the IXCs’ own fault that they are facing significant financial burdens as a result of traffic pumping -- that IXCs made flat-rated

⁹ GCP, pp. 7 and 9; Futurephone.com, p. 2. Sprint Nextel believes that this type of compensation arrangement between LECs and their traffic pumping partners is quite common.

¹⁰ See Qwest Exhibit B, Declaration of Timothy Tardiff, p. 2.

¹¹ NPRM, para. 19; *see also*, comments of Sprint Nextel, p. 8; Ohio PUC, p. 6; WTA, p. 13; AT&T, p. 34; Qwest, p. 23; Verizon, p. 4.

calling plans available “with full knowledge of the access charge regime and other factors affecting their costs.”¹² Therefore, these parties state, IXCs should not be “bail[ed] out...if all of their assumptions regarding usage of their services did not prove to be well founded” (Joint CLEC Commenters, p. 4).

This argument is without merit. Enforcing the statutory requirement that LECs charge just and reasonable rates hardly constitutes a “bail out” of IXCs. In developing their enormously popular flat-rated calling plans, IXCs and wireless carriers based their rates in large part on the assumption that underlying LEC access charges would be just and reasonable – an assumption which is clearly misplaced in the case of ILECs and CLECs engaging in unlawful traffic pumping schemes. Moreover, it is hardly in the public interest to allow LECs to continue to charge rates that are so excessively high as to put pressure on IXCs to raise the price of, or even eliminate, these flat-rated calling plans. Nor is it feasible for IXCs to charge a different monthly charge or an additional surcharge on consumers who call numbers associated with traffic pumping schemes. Aside from the obligation under Section 254(g) to charge geographically averaged rates, IXCs have no way of identifying which consumers will call numbers associated with traffic pumping schemes, or even of readily identifying all of those numbers, which change constantly. Sprint Nextel does agree, however, that IXCs and wireless carriers should be allowed to attach use limitations to their flat-rated calling plans which allow them to restrict or even discontinue service to subscribers who abusively use services associated with traffic pumping schemes.

¹² All American Telephone Co., Inc., *et al.* (“Joint CLEC Commenters”), p. 4; *see also*, Cbeyond, Inc. and Integra Telecom, Inc., p. 9; Futurephone.com, p. 6; Global Conference Partners, p. 4.

II. TARGETED NEW MEASURES ARE NEEDED TO ADDRESS UNLAWFUL TRAFFIC PUMPING SCHEMES.

Given the record in this proceeding and in the 2007 annual access tariff proceeding,¹³ there can be no dispute that unlawful traffic pumping is a significant problem that must be addressed expeditiously. Sprint Nextel continues to believe that targeted measures, including an ILEC tariff re-file trigger, carrier certification, a revised CLEC benchmark, and modest NECA pool re-entry limits, will go a long way towards helping to ensure that LEC rates are just and reasonable, while not imposing an unmanageable burden on any LEC.

Certain parties argue that the best way to address the traffic pumping problem is to reform the existing patchwork of intercarrier compensation systems.¹⁴ Sprint Nextel wholeheartedly agrees that comprehensive, rational reform of the intercarrier compensation regime -- including re-setting interstate special access rates at just and reasonable levels -- is in the public interest and is desperately needed. Unfortunately, however, the Commission does not appear poised to begin implementing the complex measures needed to effect comprehensive reform. The industry cannot afford to wait several years until comprehensive reforms are adopted (much less implemented) to address the traffic pumping problem.

Other parties also argue that no new measures are needed, and that an IXC which believes that a LEC is engaging in unjust and unreasonable practices (including charging

¹³ *Investigation of Certain 2007 Annual Access Tariffs*, WC Docket No. 07-184 and WCB/Pricing No. 07-10.

¹⁴ *See, e.g.*, Global Conference Partners, p. 20; Hypercube and McLeodUSA, p. 2; U.S. TelePacific Corp., p. 1; Cavalier, p. 1.

unjust and unreasonable rates) can file a complaint against that LEC.¹⁵ While the complaint process is an important administrative remedy to (potentially) obtain prospective relief for unjust and unreasonable rates, it offers little or no possibility for redress of past-period overcharges if the defendant carrier's rates were "deemed lawful." Even if a LEC is found to have earned an unlawful rate of return during the complaint period, it will still be able to retain all of its windfall profits earned while the "deemed lawful" rates were in effect, thus providing no deterrent to LECs who choose to engage in these activities.¹⁶ Moreover, if a CLEC were charging the benchmark ILEC/NECA rates, it is not clear how far a complaint against such a CLEC could proceed even on a prospective basis. Finally, complaints are litigated on a case-by-case basis (which is costly and resource-intensive for the harmed party), and can be filed only after the harm is alleged to have occurred. While the complaint process certainly should be retained, a better approach is to implement remedies which prevent or at least discourage unlawful behavior before it occurs.

Commenting parties offer a reasonable array of measures which will significantly discourage (but, unfortunately, not completely prevent) unlawful traffic pumping: adoption of tariff re-filing triggers for small rate-of-return ILECs that tariff their own rates; LEC certifications; adoption of revised rate benchmarks for CLECs which experience a growth in average usage per access line above a certain trigger; and limitations on re-entry into the NECA pool.

¹⁵ See, e.g., Joint CLEC Commenters, p. 4; Cbeyond and Integra, p. 6; Hypercube and McLeodUSA, p. 11; CenturyTel, p. 5; OPASTCO, p. 9; RICA, p. 8.

¹⁶ This was the outcome of the complaint in *Qwest Communications Corp. v. Farmers and Merchants Mutual Telephone Co.*, File No. EB-07-MD-001, *Memorandum Opinion and Order* released October 2, 2007 (FCC 07-175).

Tariff re-file trigger: Consistent with the general approach adopted by the Commission in the 2007 annual access tariff proceeding, Sprint Nextel and other commenting parties have proposed that small rate-of-return LECs include in their interstate tariffs a provision committing to revise their access rates if their demand levels for a specified period (most parties recommend quarterly) are a certain percentage higher than the demand for the same period a year earlier.¹⁷ To prevent LECs from retaining any windfall profits, LECs that meet the trigger should also be subject to a true-up mechanism.¹⁸

Given the continuing decline in total LEC switched access minutes over the past several years, Sprint Nextel continues to believe that a carrier experiencing a 25% annual increase in demand is doing extraordinarily well, and that a 25% re-file trigger is quite reasonable, indeed generous if the base period against which the increase in demand is being measured already includes some volume of pumped traffic.¹⁹ A 25% growth rate is certainly at the upper end of the range experienced by LECs who probably are not engaged in unlawful traffic pumping: as demonstrated by data filed by NECA, the largest monthly access minute change from 2006-2007 ranged from -70% to +30% for over 91% of its pool members; none of its members experienced the extraordinary increase in demand (some in the range of several thousand percent) experienced by

¹⁷ See, e.g., Sprint Nextel, p. 13 (25% trigger); Verizon, p. 3 (25% trigger); AT&T, p. 28 (3 sized-based tiers with triggers of 50-100%); Qwest, p. 2 (100% trigger); Embarq, p. 3 (50% trigger); Ohio PUC, p. 8 (25-30% trigger); Texas Statewide Telephone Cooperative, Inc. (TSTCI), p. 5 (4 sized-based tiers with triggers of 25-300%).

¹⁸ See, e.g., Sprint Nextel, p. 17; Qwest, p. 19.

¹⁹ Even though a LEC could quite easily exceed its authorized rate of return on demand increases of less than 25%, it would not be required to re-file its tariff to update its rates unless it actually met the demand growth trigger.

certain LECs that clearly were involved in traffic pumping.²⁰ Given these data, Sprint Nextel is concerned that a trigger higher than 25% (which, as noted, is itself an extraordinary growth rate) provides far too much leeway for substantial LEC overearning.

Sprint Nextel does acknowledge that LECs incur certain costs (*e.g.*, costs to recalculate rates, filing fees) in making a tariff filing with the Commission. However, the computation costs should be quite modest since much of the required data should be readily available (for example, LECs must know their minutes of use for purposes of billing their access customers). Moreover, these expenses presumably are included in the LEC's revenue requirement, and thus are recoverable. In any event, the costs incurred by a LEC to file accurate tariffs are a necessary concomitant to their statutory obligation to charge just and reasonable rates.

Tariff re-file triggers are not a form of "punishment" for successful LECs that manage to grow their businesses.²¹ Rather, they are a safeguard to prevent abuse and to adjust rates that are no longer reasonable based on changed circumstances. Accordingly, the Commission should expeditiously adopt a tariff re-filing trigger requirement for LECs that file their own tariffs pursuant to Sections 61.38 and 61.39.

LEC certification: Certifications are used today to help ensure compliance with a myriad of rules and regulations, and numerous parties agree that a properly crafted certification can help ensure just and reasonable LEC access rates.²² The filing of a

²⁰ NECA, p. 9, Exhibit 4.

²¹ *See, e.g.*, Alexicon, p. 2; Chase Com et al., p. 3.

²² *See, e.g.*, NECA, p. 11; Rural Alliance, p. 3; TSTCI, p. 6; Sprint Nextel, p. 19; AT&T, p. 22; Qwest, p. 20; Verizon, p. 4.

certification is a minimal administrative burden, and could be a material factor in determining whether the “deemed lawful” standard actually applies.²³

Sprint Nextel supports a requirement that LECs certify that they are not currently engaging in traffic pumping and would not do so for a specified time period (*e.g.*, the upcoming tariff period). Sprint Nextel also agrees that “traffic pumping” must be carefully defined so that the scope of the certification is clear. WTA has proposed (p. 9) five factors which would define when a practice constitutes traffic pumping:

(1) it must involve “discretionary” access traffic that can be routed to a variety of terminating locations rather than particular businesses or residences; (2) there must be a “traffic aggregator” able to control the routing of substantial amounts of discretionary access traffic; (3) the traffic aggregator must enter into an arrangement with an ILEC for the routing of the discretionary access traffic to a particular ILEC exchange or study area in return for compensation; (4) the sole or primary purpose of the arrangement must entail the increase of the ILEC’s terminating access minutes and access revenues; and (5) the compensation from the ILEC to the traffic aggregator must consist of a portion of the resulting increase in the ILEC’s access revenues so that both entities share the risk and profits of the arrangement.

While WTA’s proposed factors present a helpful starting point for identifying certain types of traffic pumping schemes, its analysis is too limited in scope (covers only ILECs, terminating access arrangements, and certain compensation arrangements based on a percentage of incremental LEC revenues), and offers too much room for interpretation (“discretionary,” “traffic aggregator,” and “the sole or primary purpose” are

²³ Intentionally misrepresenting demand or costs, or concealing material information, could be grounds for reversing a rate’s deemed lawful status. *See ACS of Anchorage, Inc. v. FCC*, D.C. Cir. No. 01-1059 (“...a carrier that furtively employs improper accounting techniques in a tariff filing, thereby concealing potential rate of return violations,” could be subject to damages for rates in streamlined tariffs). If a LEC falsely certifies that it is not and will not engage in traffic pumping, or that the cost and demand quantities used to compute its rates are reasonable proxies for cost and demand for the up-coming tariff period, any rates covered by such false certification should not be deemed lawful.

not defined). Sprint Nextel recommends instead that traffic pumping be defined as arrangements that increase the volume of traffic for which the LEC will assess some form of intercarrier compensation charges on an interconnecting carrier/access service subscriber, and involve compensation by the LEC to the entity which provides the service that is the source of the increased traffic volumes. Traffic pumping also can occur without a third party, such as the generation of traffic by the LEC, one of its subsidiaries, or a related company, to or from the LEC itself, or the use of a network routing arrangement for such calls, that is designed at least in part to increase intercarrier compensation rather than for independent business reasons. The definition should apply to all LECs (not just ILECs), and should include all traffic types (not just terminating access traffic). Because of jurisdictional issues, the federal certification would cover arrangements that increase the volume of interstate traffic for which the LEC will assess access charges on the access service subscriber.

At a minimum, the Commission should implement a certification proposal that requires Section 61.39 carriers to certify that the demand and cost quantities they use to set their interstate access rates are representative of demand and costs they expect in the up-coming tariff period (NPRM, para. 28).

CLEC benchmark: While CLECs understandably do not want any decreases to their benchmark access rates, the existing ILEC/NECA benchmark rates clearly are insufficient to prevent CLECs from engaging in unlawful traffic pumping activities: CLECs will have the incentive to engage in such activities if they can charge rates in excess of their costs, and retain all windfall profits. It is reasonable to believe that CLECs' average costs, like ILECs', decline with increases in traffic volumes. Thus,

CLECs experiencing significant demand growth should be required to adjust their rates to help ensure they are just and reasonable. Sprint Nextel believes that CLECs that meet a demand growth trigger should charge a new benchmark rate based on the rate charged by the dominant RBOC in the state where the CLEC has met the trigger.

As several parties agree, any CLEC trigger adopted should be based on minutes of use per line, rather than total minutes of use.²⁴ A minute of use per line trigger would appropriately take into account demand increases resulting from access lines acquired through mergers, and from existing customers won by the CLEC from the ILEC. Sprint Nextel believes that a 25% CLEC growth trigger is reasonable. Because CLECs do not file rate of return information with the Commission, it would be unwise to adopt a higher trigger which might well enable the CLEC to earn excessive rates of return. If the CLEC believes that using an RBOC rate benchmark would result in confiscatory rate levels, the CLEC should have the option of requesting a waiver of the RBOC-based benchmarking rule, or of making an adequate cost-based showing to establish its own tariffed rates.

Limitations on re-entry into the NECA pool: Several parties suggest that the Commission require average schedule LECs that exit the NECA pool to remain outside that pool for a minimum number of years before they are allowed to re-enter.²⁵ Sprint Nextel supports restrictions on pool re-entry. Limits on “pool hopping” would force average schedule LECs to adjust their rates in the second tariff period to reflect increases

²⁴ See, e.g., Sprint Nextel, p. 18; USTA, p. 8; AT&T, p. 30; Verizon, p. 26; NTCA, p. 2 (regarding triggers generally).

²⁵ See, e.g., OPASTCO, p. 2 (Section 61.39 LECs should remain out of the NECA pool for two or three 2-year tariff periods); Embarq, p. 3, ITTA, p. 7, and WTA p. 11 (average schedule LECs can’t re-enter pool for 6 years); JSI, p. 21 (carriers withdrawing from the pool must make an even number of Section 61.39 filings before re-entering the pool).

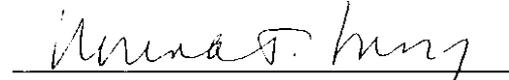
in demand experienced in the prior tariff period. However, restrictions on pool re-entry alone are not sufficient to address the traffic pumping problem. Pool re-entry restrictions, without other safeguards, still allow a LEC to retain all windfall profits earned during the initial tariff period (unless a true-up process is also employed), and could still result in unjust and unreasonable rates if the LEC's traffic volumes in the second tariff period are higher than the levels experienced in the first tariff period (that is, if historic demand still is not representative of prospective demand). Moreover, because CLECs do not participate in the NECA pool, exclusive reliance on revised pool re-entry rules would not be sufficient to address unlawful traffic pumping by CLECs.

III. CONCLUSION.

The record in this proceeding demonstrates that unlawful traffic pumping is an on-going, serious problem, involving both incumbent and competitive LECs, that needs immediate resolution. LEC certifications, tariff re-file triggers for Section 61.39 ILECs, a revised MOU/line CLEC benchmark trigger mechanism which ties CLEC rates to the rates charged by the dominant RBOC in the state, and a limit on NECA pool re-entry will all reduce the financial incentive to engage in unlawful traffic pumping. These targeted reforms are minimally burdensome, and will help to ensure that LEC rates are just and reasonable.

Respectfully submitted,

SPRINT NEXTEL CORPORATION

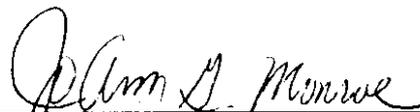
A handwritten signature in cursive script, appearing to read "Norina T. Moy", is written over a horizontal line.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Reply Comments of Sprint Nextel Corporation was served electronically on this 16th day of January 2008 to the parties listed below.



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