



**Sprint Nextel**  
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May 30, 2008

***Via Electronic Submission***

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room TW-A325  
Washington, D.C. 20554

**Re: *Ex Parte Communication***  
*CTIA Petition for Declaratory Ruling, WT 05-194*

Dear Ms. Dortch:

This letter is to inform you that on May 29, 2008, Sprint Nextel Corporation (“Sprint Nextel”), through its representatives, Anna Gomez and Charles McKee, met with Renee Crittendon, Legal Advisor to Commissioner Adelstein, to urge the Commission to grant the CTIA Petition for Declaratory Ruling and find that early termination fees (ETFs) are “rates charged” by carriers within the meaning of Section 332(c)(3)(A) of the Communications Act.

Sprint refuted the arguments raised in the NASUCA ex parte filing of May 20, 2008. Specifically, Sprint noted that the decision in *National Ass’n of State Utility Consumer Advocates v. FCC*\* was not applicable to the issue of ETFs and did not change prior FCC and court decisions finding that ETFs are part of a carrier’s rates and rate structure.

Sprint also noted that the wireless industry, as a result of the highly competitive wireless marketplace, has already addressed the concerns originally raised in this docket regarding the application of ETFs in the consumer marketplace. Indeed, Sprint noted that if action was required in the area of ETFs it would be in the context of wireline carrier charges associated with special access circuits.

Pursuant to Section 1.1206 of the Commission’s rules, this letter is being electronically filed with your office. Please let me know if you have any questions regarding this filing.

Respectfully submitted,

*/s/ Charles W. McKee*  
Charles W. McKee

cc: Renee Crittendon

\* *Nat’l Ass’n of State Utility Consumer Advocates v. FCC*, 457 F.3d 1238 (11<sup>th</sup> Cir. 2006).