



Sprint Nextel
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Michael B. Fingerhut
Director
Government Affairs

February 5, 2009

BY ELECTRONIC MAIL

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: *EX PARTE PRESENTATION: Intercarrier Compensation for ISP-Bound Traffic, CC Docket No. 99-68 and Developing a Unified Intercarrier Compensation Regime, CC Docket No. 01-92*

Dear Ms. Dortch:

On February 4, 2009, Charles McKee and Michael Fingerhut of Sprint Nextel Corporation met with Jennifer McKee, Legal Advisor to Acting Chairman Copps, to discuss Sprint Nextel's Petition seeking Partial Reconsideration of the FCC's *Order on Remand and Report and Order and Further Notice of Proposed Rulemaking FCC 08-262* released November 5, 2008, in the above referenced proceedings.

Sprint Nextel reiterated its position, as set forth in its Petition, that the FCC has the authority to regulate ISP traffic under both §201 and §251(b)(5) of the Communications Act; that the FCC was correct to rely on §201 to maintain the \$.0007 rate cap governing ISP-bound traffic; but that the FCC should amend its Order to also find "that the \$.0007 rate cap is alternatively justified under section 252(d)(2), the pricing rule governing reciprocal compensation agreements made under section 251(b)(5)." Sprint Nextel Petition at 2.

In accordance with FCC rules, a copy of this letter is being filed in each of the above-referenced proceedings.

Sincerely,

cc: Jennifer McKee (by Electronic Mail)