

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of )  
 )  
Petition of GCB Communications Inc. ) WC Docket No. 11-141  
d/b/a Pacific Communications and Lake )  
Country Communications, Inc. for )  
Declaratory Ruling )

**REPLY COMMENTS OF SPRINT NEXTEL CORPORATION**

Sprint Nextel Corporation (“Sprint”), pursuant to the Public Notice released on August 31, 2011 (DA 11-1450), hereby respectfully submits reply comments in the above-captioned proceeding regarding the petition filed by GCB Communications, Inc. (“GCB”) for a declaratory ruling on an issue that has been referred to the FCC by the United States District Court for the District of Arizona, which is hearing a payphone compensation dispute involving GCB.

GCB is a payphone service provider that has asked the FCC to declare that a payphone service provider should receive compensation for all dial-around calls even if the completing carrier does not receive the Flex-ANI digits that enable it to identify the call as originating from a payphone. In effect, GCB has asked the FCC to interpret its rules so as to eliminate a system that took years and significant resources to establish and that provides the completing carriers an efficacious way to ensure that the call is from a payphone. As U.S. South has explained in its comments on the declaratory ruling, GCB’s request “would make a nullity of [the] Commission’s requirements for Flex-ANI

transmission and permissible carrier use of that technology for tracking payphone-originated calls to completion” and accordingly is “unjustified and unwarranted.” U. S. South Opposition at 2. Sprint agrees with U.S. South that the Commission should deny GCB’s requested ruling and instead “declar[e] that an interexchange carrier (“IXC”) may rely on Flex-ANI to identify payphone calls consistent with the longstanding mandate that carriers deploy an ‘accurate’ payphone call-tracking system.” *Id.* citing 47 C.F.R. §64.1310(a)(1).

GCB’s declaratory ruling petition was filed in response to a primary jurisdiction referral by the federal district court for Arizona, which has before it a complaint by GCB against U.S. South for compensation for dial-around calls. *GCB v. U.S. South*, No. 07-cv-02054-SRB (D. Ariz.).<sup>1</sup> Apparently, U.S. South refused to pay such compensation on calls for which it did not receive the Flex-ANI digits from GCB’s serving LEC. GCB’s petition seeks to make U.S. South, and by extension all IXCs, strictly liable for the failure of the serving LEC to provide the Flex-ANI digits identifying the call as coming from a payphone. However, as U.S. South explains “there is no basis in the Commission’s payphone compensation plan, its various waiver orders or public policy under Section 276 [47 U.S.C. § 276] to impose payment liability on carriers who ... have done everything required of them under the payphone rules.” Opposition at 3-4. To the contrary, “[t]he FCC has repeatedly reaffirmed that Flex-ANI, where available from a LEC central office, must be ‘transmitted’ with every payphone call.” *Id.* at 11. Indeed, the Flex-ANI system is a necessary element in enabling the completing carrier to ensure that the call is from a payphone.

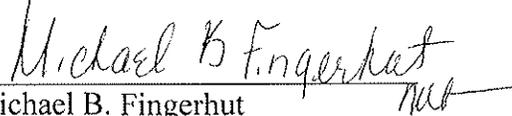
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<sup>1</sup> The District Court originally found for GCB but its decision was reversed and remanded for further proceedings by the Ninth Circuit. *GCB v. U.S. South*, 2011 U.S. App. LEXIS 8882 (9<sup>th</sup> Cir., April 29, 2011).

Sprint does not suggest here that completing carriers should be exempt from liability. If the annual audit to which completing carriers are subject, *see* Section 64.1320 of the Commission's rules, 47 C.F.R. § 64.1320, confirms that the completing carrier is not properly tracking calls from payphones, it may be held accountable. . Sprint's point here – and the point that U.S. South has emphasized – is that completing carriers should not be held liable for compensation if they -- through no fault of their own -- do not receive Flex-ANI digits to determine whether a call is from a payphone.

Respectfully submitted,

**SPRINT NEXTEL CORPORATION**

  
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