

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

In the Matter of the)	DOCKET NO. UT-020667
)	
Petition of Washington Independent)	STATEMENT OF FACT AND LAW
Telephone Association's for Declaratory)	OF SPRINT SPECTRUM L.P.
Order on Treatment of VNXX-like)	
Services)	
.....)	

Sprint Corporation, on behalf of its wireless division, Sprint Spectrum L.P., d/b/a Sprint PCS ("Sprint ") files this Statement of Fact and Law in response to the Washington Utilities and Transportation Commission's ("Commission") June 7, 2002 Notice in this docket.

INTRODUCTION

On May 29, 2002, Washington Independent Telephone Association ("WITA") filed a Petition for Declaratory Order ("Petition") pursuant to RCW 34.05.240 and WAC 480-09-230. WITA asks the Commission to determine that the use of VNXX-like services is not in the public interest and to prohibit their use, or in the alternative, to determine that access charges should apply to calls that originate and terminate in different rate centers. WITA also argues that VNXX-like services inappropriately use numbering resources and would violate standards for implementing number portability.

As a licensed Commercial Radio Service Provider ("CMRS") authorized to do business in the State of Washington, Sprint's substantial interests would be affected if the Commission enters an Order on "VNXX-like" services that could mistakenly be interpreted to apply to CMRS providers. While the Petition clearly contemplates "VNXX-like" services utilized by CLECs, the relief requested could result in an Order leaving open the question of whether the Order

applies to CMRS providers. Accordingly, and for the reasons set forth below, Sprint respectfully requests that the Commission clarify, in any Order that it may issue on this Petition, that the Order does not apply to CMRS providers.

STATEMENT OF LAW AND FACT

It must be stated at the outset that Sprint PCS does not use “virtual” NXX codes. The FCC has defined “virtual” codes as those that “correspond with a particular geographic area that are assigned to a customer located in a different geographic area.”¹ Sprint PCS obtains NXX codes only in areas where it has facilities (*e.g.*, cell sites) and provides services to customers. This is unlike the situation that the WITA seeks to address in its Petition where CLECs may not have facilities or customers in the particular geographic area.

In the CLEC scenario, the CLEC end-user is usually located near to the CLEC switch. In this way, the CLECs seek to lower costs by not extending facilities over long distances. The CLEC provides its customers local calling over a broad geographical area in this manner. A CLEC that serves Internet Service Providers (“ISPs”), which offer customers the ability to dial into modem pools to reach the internet, will establish NXXs in a number of rate centers in a LATA for the ISP, and will route calls to those ISPs to a single connection at an incumbent local exchange carrier (“ILEC”) tandem. The end-user calling the ISP, therefore, can reach the internet without making a toll call, while the CLEC minimizes its network costs.

Not only do CMRS providers not utilize “virtual” NXXs, they also, for purposes of reciprocal compensation, have a different local calling scope. The Federal Communications Commission (“FCC”) has determined that any telecommunications between a LEC and CMRS

provider that originates and terminates within the same Major Trading Area (“MTA”) is subject to reciprocal intercarrier compensation, under § 251(b)(5) of the Telecommunications Act of 1996 (the “Act”).² Accordingly, it would be inappropriate to assess access on intraMTA calls.

Based on the foregoing, Sprint respectfully requests the Commission, if it grants WITA’s request, to affirmatively state that its Order does not apply to CMRS providers. CMRS providers do not utilize VNXXs. In addition, prohibiting the way in which CMRS providers assign numbers or classifying intra-MTA calls as interexchange services would be inconsistent with the Act and the FCC’s rules.

Respectfully submitted this 21st day of June 2002.

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ATTORNEYS FOR SPRINT

¹ Developing a Unified Intercarrier Compensation Regime, Docket No. 01-92, FCC 01-132, 16 FCC Rcd 9619, 962 par. 115 (2001).

² See 47 C.F.R. § 51.701(b)(2). See also In Re: Implementation of the Local Compensation Provisions in the Telecommunications Act of 1996, (“ACT”) 11 FCC Rcd 15499 at 1035-1036 (1996). “... In light of the [FCC’s] exclusive authority to define the authorized license areas of wireless carriers, we will define the local service areas for calls to or from a CMRS network for the purposes of applying reciprocal compensation purposes under section 251(b)(5).”