

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

In the Matter of)	
)	
Section 63.71 Application of Sprint)	WC Docket No. 15-186
Communications Company L.P.)	Comp. Pol. File No. 1230
)	
)	

ORDER

Adopted: September 29, 2015

Released: September 29, 2015

By the Chief, Competition Policy Division, Wireline Competition Bureau:

I. INTRODUCTION

1. In this Order, we grant the application of Sprint Communications Company L.P. (Sprint or Applicant), filed pursuant to section 214(a) of the Communications Act of 1934, as amended (the Act),¹ and section 63.71 of the Federal Communications Commission’s (Commission) rules.² As explained in further detail below, this Order provides Sprint with authority to discontinue certain wireline consumer long-distance services and associated features (Affected Services) in each of the United States, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands (collectively, Service Areas) as of the release date of this Order.

II. BACKGROUND

2. On June 19, 2015, Sprint filed an application with the Commission requesting authority, under section 214 of the Act and section 63.71 of the Commission’s rules, to discontinue the Affected Services.³ On August 19, 2015, the Wireline Competition Bureau (Bureau) released a Public Notice seeking comment on Sprint’s application and announcing, in accordance with section 63.71(d),⁴ that the application would be automatically granted on the 31st day after the release date of the Public Notice unless the Commission notified Sprint that the grant would not be automatically effective.⁵ On September 18, 2015, the Bureau released a Public Notice announcing that Sprint’s application would not

¹ 47 U.S.C. § 214(a).

² 47 C.F.R. § 63.71.

³ See Section 63.71 Application of Sprint Communications Company L.P., WC Docket No. 15-186 (filed June 19, 2015), <http://apps.fcc.gov/ecfs/comment/view.action?id=60001073072> (Application).

⁴ Section 63.71(d) of the Commission’s rules states, in relevant part, that such applications to discontinue, reduce or impair service “shall be automatically granted on the 31st day... unless the Commission has notified the applicant that the grant will not be automatically effective.” See 47 C.F.R. § 63.71(d).

⁵ *Comments Invited on Application of Sprint Communications Company L.P. to Discontinue Domestic Telecommunications Services*, WC Docket No. 15-186, Public Notice, DA 15-935 (WCB Aug. 19, 2015), <http://apps.fcc.gov/ecfs/comment/view.action?id=60001098055>.

be automatically granted because additional time was required to consider comments responsive to Sprint's proposed discontinuance.⁶

3. Eleven comments were filed in opposition to Sprint's proposed discontinuance, including one from the Oglala Sioux Tribe Utility Commission (OSTUC).⁷ Several commenters objecting to the proposed discontinuance indicated that they enjoy the convenience and low cost of the Affected Services.⁸ The OSTUC requested, however, that the Commission delay action on Sprint's application until Sprint demonstrates that it has met its obligations to the OSTUC.⁹ The OSTUC suggested that Sprint's proposed discontinuance could adversely affect the public convenience and necessity because Sprint has failed to comply with all applicable requirements for discontinuance of service, including those on the Pine Ridge Indian Reservation (PRIR).¹⁰ Specifically, the OSTUC stated that Sprint is subject to its jurisdiction and is required to comply with certain obligations, including 1) informing customers prior to termination of service that they may file a complaint with the OSTUC and 2) reporting quarterly, within 30 days of the end of each quarter, the number of service terminations, the reason for termination of service, the terms and conditions for termination, and the requirements for reconnection.¹¹ Furthermore, the OSTUC stated that it does not believe that Sprint provides wireless service as an alternative on the PRIR.¹² The OSTUC was also concerned that there may not be alternative providers available for Sprint's customers on the PRIR.¹³ Sprint filed a response to the OSTUC's comments and provided updates in the record regarding the transition status of its customers.¹⁴

⁶ *Application of Sprint Communications Company L.P. to Discontinue Domestic Telecommunications Services Not Automatically Granted*, WC Docket No. 15-186, Public Notice, DA 15-1055 (WCB Sept. 18, 2015), <http://apps.fcc.gov/ecfs/comment/view.action?id=60001299756>.

⁷ See Jaime Ananko Comments, WC Docket No. 15-186 (filed Jul. 6, 2015); John Clancy Comments, WC Docket No. 15-186 (filed Aug. 18, 2015); Donovan Duggan Comments, WC Docket No. 15-186 (filed Jul. 14, 2015); Linda Farling Comments, WC Docket No. 15-186 (filed Jul. 30, 2015); Evelyn Hatt Comments, WC Docket No. 15-186 (filed Jul. 27, 2015); Virginia Hatt Comments, WC Docket No. 15-186 (filed Jul. 24, 2015); Rob Krenzle Comments, WC Docket No. 15-186 (filed Aug. 21, 2015); Debbie Nelsen Comments, WC Docket No. 15-186 (filed Aug. 26, 2015); Judith E. Smith Comments, WC Docket No. 15-186 (filed Jul. 6, 2015); Comments of the Oglala Sioux Tribe Utility Commission, WC Docket No. 15-186 (filed Sep. 11, 2015)(OSTUC Comments); and Talves Comments, WC Docket No. 15-186 (filed Jul. 6, 2015).

⁸ See e.g., Donovan Duggan Comments at 1; Evelyn Hatt Comments at 1; Debbie Nelson Comments at 1.

⁹ OSTUC Comments at 3.

¹⁰ *Id.* at 1.

¹¹ *Id.* at 2.

¹² *Id.* at 3.

¹³ *Id.*

¹⁴ See Letter from Keith Buell, Senior Counsel, Government Affairs, Federal Regulatory, Sprint Corporation, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 15-186 (filed Sept. 15, 2015) (arguing, *inter alia*, that the FCC should not remove its application from automatic processing because 1) the OSTUC's claim that Sprint is subject to the OSTUC's jurisdiction and should, therefore, comply with the OSTUC's requirements is irrelevant to this proceeding; 2) the OSTUC's jurisdictional argument is the subject of pending litigation in federal court that has been ongoing since February 2015; and 3) Sprint has complied with all of the FCC's discontinuance requirements so its application should be automatically granted) (Sprint Sept. 15, 2015 *Ex Parte*); and Letter from Keith Buell, Senior Counsel, Government Affairs, Federal Regulatory, Sprint Corporation, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 15-186 (filed Sept. 17, 2015) (stating that Sprint reached out to all customers who filed comments and indicating that one number was no (continued....))

III. DISCUSSION

4. Section 214(a) of the Communications Act, as amended, requires carriers to obtain authorization from the Commission before discontinuing, reducing, or impairing service to a community or part of a community.¹⁵ The Commission has considerable discretion in determining whether to grant a carrier authority to discontinue, impair, or reduce service pursuant to section 214.¹⁶ After considering the application and the additional information provided in the comments and other filings, including Sprint's responses to the comments, we find that the record supports granting Sprint's request to discontinue the Affected Services.

5. We note that a very limited number of customers have expressed concerns about Sprint's nationwide discontinuance of the Affected Services. We find, however, that these individual commenters' concerns have been sufficiently addressed through Sprint's direct efforts to assist these customers with the successful transition to alternative services.¹⁷ Sprint stated that it reached out to each of the ten customer commenters to provide them with additional information regarding the numerous available options for obtaining replacement services at acceptable rates from alternative providers.¹⁸ Sprint was able to connect with all but one of the commenters whose number was no longer active.¹⁹ According to Sprint, several of these individuals indicated that they had already transferred their service to a new provider, thereby demonstrating the availability of acceptable alternatives.²⁰ Sprint explained further that, although other commenters expressed reservations regarding the alternative options, generally due to their positive experience with Sprint, none of the commenters requested a delay in the discontinuance of the Affected Services.²¹

6. In addition, we find that it is in the public interest to grant Sprint's application because Sprint has complied with all of the Commission's requirements, under section 63.71, to discontinue the Affected Services. Furthermore, we find that the issues raised by the OSTUC do not bear directly on the criteria by which we typically evaluate discontinuance applications.²² Nothing in the OSTUC's comments indicates that the notice required under our rules was not provided, nor is there any indication that customers will be left without alternative service on the PRIR. The record indicates that Sprint complied with the Commission's notice requirement under section 63.71(a) by sending notice of the proposed

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longer active, several unspecified customers had already transferred to other providers, some unspecified customers expressed reservations about the alternatives, but none requested a delay of the discontinuance) (Sprint Sept. 17, 2015 *Ex Parte*).

¹⁵ 47 U.S.C. § 214(a).

¹⁶ *FCC v. RCA Communications, Inc.*, 346 U.S. 86, 90-91 (1953); see also *Verizon Telephone Companies, Section 63.71 Application to Discontinue Expanded Interconnection Service Through Physical Collocation*, WC Docket No. 02-237, Order, 18 FCC Rcd 22737 (2003) (*Verizon Expanded Interconnection Discontinuance Order*).

¹⁷ See Sprint Sept. 17, 2015 *Ex Parte*.

¹⁸ *Id.* at 1.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² 47 C.F.C. § 63.71.

discontinuance to each existing customer, including its one residential customer living on the PRIR.²³ Sprint's reply comments also confirm that there are alternative providers on the PRIR.²⁴

7. After carefully considering the comments and evaluating the relevant factors,²⁵ we find that granting Sprint's application will not adversely affect the public convenience and necessity.²⁶ We therefore grant Sprint's application and authorize Applicant to discontinue the Affected Services consistent with its filed representations on or after the date this Order is released.

IV. ORDERING CLAUSES

8. Accordingly, pursuant to sections 1, 4(i), and 214 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 214, and sections 0.91, 0.291, and 63.71 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 63.71, IT IS ORDERED that Sprint's application to discontinue certain wireline consumer long-distance services and associated features IS GRANTED.

9. Pursuant to section 1.103, of the Commission's rules, 47 C.F.R. § 1.103, IT IS ORDERED that the grant is effective upon release of this Order.

FEDERAL COMMUNICATIONS COMMISSION

Randy Clarke
Chief
Competition Policy Division
Wireline Competition Bureau

²³ See Sprint Sept. 15, 2015 *Ex Parte* at 2-3.

²⁴ See Sprint Sept. 15, 2015 *Ex Parte* at 3.

²⁵ The Commission typically considers several factors when balancing the interests of the carrier and the affected user community, including (1) the financial impact on the common carrier of continuing to provide the service; (2) the need for the service in general; (3) the need for the particular facilities in question; (4) the existence, availability, and adequacy of alternatives; and (5) increased charges for alternative services, although this factor may be outweighed by other considerations. *Application for Authority Pursuant to Section 214 of the Communications Act of 1934 to Cease Providing Dark Fiber Service*, File Nos. W-P-C 6670 and W-P-D 364, 8 FCC Rcd 2589, 2600, para. 54 (1993) (*Dark Fiber Order*), remanded on other grounds, *Southwestern Bell v. FCC*, 19 F.3d 1475 (D.C. Cir. 1994).

²⁶ See 47 U.S.C. § 214(a).