

**Sprint**



Together with NEXTEL

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January 13, 2006

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2006 JAN 19 11:10:32  
PA PUBLIC UTILITY COMMISSION

VIA OVERNIGHT MAIL

James J. McNulty  
Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, Pennsylvania 17105-3265

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

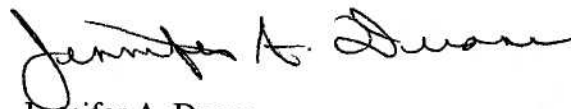
Re: Proposed Rulemaking for Revision of Chapter 63 of Title 52 of the Pennsylvania Code Pertaining to Regulation of Interexchange Telecommunications Carriers and Service - Docket No. L-00050170

Dear Secretary McNulty:

In accordance with the Proposed Rulemaking Order issued by the Pennsylvania Public Utility Commission ("Commission") in the above-referenced docket, attached please find for filing an original and fifteen (15) copies of the Comments of Sprint Nextel Corporation ("Sprint Nextel").

Please return a filed-stamped copy of this letter in the enclosed self-addressed, postage-prepaid envelope. If you have any questions, please feel free to contact me. Thank you for your attention to this matter.

Sincerely,



Jennifer A. Duane

Enclosure

cc: David Screven, Assistant Counsel, Law Bureau  
Rhonda Stover, Bureau of Fixed Utility Services

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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JAN 13 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Proposed Rulemaking for Revision of  
Chapter 63 of Title 52 of the Pennsylvania  
Code Pertaining to Regulation of  
Interexchange Telecommunications Carriers  
and Service

Docket No. L-00050170

COMMENTS OF SPRINT NEXTEL CORPORATION

On March 23, 2005 the Pennsylvania Public Utility Commission ("Commission") adopted a rulemaking order that sought to codify provisions of Act 138, which became effective on December 1, 2004 and implemented regulatory reform of the telephone industry in Pennsylvania.<sup>1</sup> The Act discharges interexchange carriers ("IXCs") from some of the traditional regulatory obligations imposed on telecommunications carriers, including the filing of tariffs that contain the rates, terms and conditions associated with their service products and offerings.<sup>2</sup> It adopts a permissive detariffing policy for the competitive services offered by IXCs that takes into account the robustly competitive nature of the market in which IXCs operate. The Commission initiated this rulemaking to revise its existing regulations pertaining to IXCs to conform them to the provisions of Act 183. The Commission requested comments on its proposed rules from participants in the intrastate interexchange market and other interested parties. Sprint Nextel Corporation ("Sprint Nextel"), as an intrastate IXC operating in Pennsylvania, provides the following comments in response to the Commission's request.

<sup>1</sup> The Notice of Proposed Rulemaking appeared in the December 17, 2005 issue of the Pennsylvania Bulletin and provided for a 30 day comment period following publication. 35 Pa.B. 6777.

<sup>2</sup> 66 Pa.C.S. § 3018.

Sprint Nextel supports the Commission's rulemaking and its adoption of rules that give IXCs the option of discontinuing the filing of tariffs for their services. The Commission's rulemaking establishes that all new and existing services offered by IXCs are deemed competitive.<sup>3</sup> The Commission recognizes that continuing to require IXCs to file tariffs imposes regulatory burdens that are inconsistent with a competitive marketplace. Sprint Nextel also supports the Commission's efforts to ensure that consumers continue to remain informed about carriers' charges and the conditions associated with their provision of telecommunications services in the absence of tariff filing requirements. In this regard, the proposed regulations require IXCs that choose to operate under a detariffed regime to establish public disclosure locations where they will make information available to the public on their current rates, terms and conditions for all of their competitive service offerings. Specifically, section 63.104(c) provides as follows:

- (c) If an interexchange telecommunications carrier chooses to detariff its competitive services, it shall make available for public inspection information concerning the rates, charges, terms and conditions for its competitive services in an easily accessible and clear and conspicuous manner at the following locations:
  - (1) At the interexchange telecommunications carrier's principal office, if it is located within this Commonwealth, or the designated office of the utility during regular business hours.
  - (2) At the website of the interexchange telecommunications carrier.

As noted, Sprint Nextel supports the public disclosure of this type of information. Sprint Nextel makes just a few comments about this section that are offered in an attempt to clarify the parameters of the public disclosure requirements contained in the rule. Subsection (c)(2) of the rule requires IXCs with Internet website to post the rates, charges, terms and conditions for their competitive services offered in Pennsylvania on their websites. Sprint Nextel has no problem with this requirement and in fact currently follows this procedure for disclosing its *interstate*

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<sup>3</sup> Section 63.104(a).

rates, charges, terms and conditions. Sprint simply comments that the rule should be crafted and interpreted to ensure that IXCs have flexibility in how they structure their websites to comply with this requirement. For example, Sprint would not want to post the rates, terms, and conditions for its Pennsylvania intrastate services on its existing interstate terms and conditions website section. Instead, Sprint would propose to post a Pennsylvania-specific price list or rate schedule on its existing tariff website that hosts rates, terms and conditions applicable to services that are offered in the state. Sprint's tariff team would update the price list as new products, rate changes and other activity occur in a manner consistent with section 63-104(d). The document would be posted on the same web page as the state tariffs. Sprint believes that this proposal comports with the intent of the rule and that the rule, as written, gives it the flexibility to proceed in this manner. Nevertheless, it submits this comment for clarification purposes for the Commission's consideration.

Wherefore, Sprint requests that the Commission take its initial comments into consideration as it adopts final rules to govern the operation of IXCs in the state and the offering of their services.

Respectfully submitted,

SPRINT NEXTEL CORPORATION



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Its Attorney

Dated: January 13, 2006