



PUBLIC NOTICE

Federal Communications Commission
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**APPLICATION OF SPRINT COMMUNICATIONS COMPANY L.P. TO
DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES NOT
AUTOMATICALLY GRANTED, FURTHER COMMENT REQUESTED**

WC Docket No. 08-116
Comp. Pol. File No. 871

Comments Due: August 6, 2008

On May 8, 2008, Sprint Communications Company L.P. (Sprint or Applicant), located at 6360 Sprint Parkway, Overland Park, Kansas 66251, filed an application with the Federal Communications Commission (FCC or Commission) requesting authority, under section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue the provision of certain domestic telecommunications services throughout the United States, Puerto Rico, and the U.S. Virgin Islands (collectively Service Areas). By amendments filed June 6, 2008 and June 27, 2008, Sprint corrected certain deficiencies in its initial application and updated the record regarding notice to customers. Accordingly, Sprint's application was deemed complete as of June 27, 2008.¹ The Commission has received three comments in opposition to Sprint's proposed discontinuance, filed on behalf of two commenters, Jartel, Inc. and Network Telephone Services Inc.² By this Public Notice, the Wireline Competition Bureau announces that Sprint's application to discontinue service will not be automatically granted pursuant to section 63.71.

In its application, Sprint indicates that it currently provides 900 Transport Service in the Service Areas. Sprint explains that its 900 Transport Service is an inward calling service provided to subscribers who offer information to end users via 900 telephone numbers. Sprint states that it provided 900 Transport Service on a common carrier basis to a total of six customers at the time of the original filing of

¹ By Public Notice dated June 30, 2008, the Commission notified the public that, in accordance with 47 C.F.R. § 63.71(c), Sprint's application would be deemed to be automatically granted on the 31st day after the release date of the notice, unless the Commission notifies Sprint that the grant will not be automatically effective. *Comments Invited on Application of Sprint Communications Company L.P. to Discontinue Domestic Telecommunications Services*, Public Notice, WC Docket No. 08-116, DA 08-1564 (WCB June 30, 2008). Accordingly, the automatic grant date for Sprint's application would have been July 31, 2008.

² See Letter from Daniel H. Coleman, Vice President - Legal & Business Affairs, Network Telephone Services, Inc. to Marlene H. Dortch, Secretary, Federal Communications Commission (filed May 5, 2008) (NTS May 5 Letter); Letter from Michael B. Hazzard and Jennifer M. Kashatus, counsel for Jartel, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission (filed May 30, 2008) (Jartel May 30 Letter) (indicating that Jartel is a service bureau whose customers may also have used these 900 numbers for as long as 18 years); Opposition to Sprint Application for Discontinuance of Jartel, Inc., WC Docket No. 08-116, Comp. Pol. File No. 871 (filed July 15, 2008) (Jartel Opposition).

its application, and that the usage generated by those customers was de minimis. Sprint indicates that it now intends to discontinue its provision of this service in the Service Areas. According to Sprint, the anticipated date for the proposed discontinuance is on or after July 31, 2008, after which Sprint will no longer generally offer or provide this service. Sprint states, however, that it plans to continue to self-provision dedicated access facilities for transporting 900 traffic for the benefit of its Telecommunications Relay Service (TRS). Sprint explains that this will facilitate access to 900 service providers for callers to the Sprint TRS center. Sprint states that it sent letters on April 30, 2008 to inform its six customers of its plans to discontinue service. Sprint indicates that service to one of the six customers referenced in its original application has since been terminated for non-payment, but that Sprint subsequently notified all of its remaining customers of the proposed discontinuance by letters sent in compliance with section 63.71(a) of the Commission's rules as of June 13, 2008. Sprint indicates that it is considered non-dominant with respect to the service to be discontinued.

The Commission will normally authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected. As noted above, the Commission has received three comments in opposition to Sprint's proposed discontinuance, filed on behalf of two commenters, Jartel, Inc. and Network Telephone Services Inc. Commenters primarily object to Sprint's application on the grounds that Sprint's proposed discontinuance of 900 transport services on July 31, 2008 disregards the "brand" value these numbers have for customers and the disruption that will be caused to businesses that use 900 numbers. In the absence of a requirement to port these numbers, commenters suggest that affected customers may be forced to go out of business unless they are given an opportunity to prepare for the loss of the numbers which may have been used for many years. Commenters submit that the proposed discontinuance will not allow sufficient time for these numbers to possibly be transferred to other carriers of 900 number traffic, or for the affected companies to obtain and advertise new 900 numbers.³ In its reply, Sprint maintains that customers have numerous other substitutes for this service and that it is extremely expensive for Sprint to maintain its network of switches and transport facilities for these few customers who are generating a de minimis amount of traffic.⁴ Sprint further submits that it has provided customers with sufficient notice and time to transition to another provider given the availability of alternative providers and the fact that both commenters agreed to a 90-day notice of termination period in their contracts.⁵

Where comments on a discontinuance application allege that the service has no reasonable substitute or that either present or future public convenience and necessity will be adversely affected, the Commission will scrutinize the discontinuance application, consistent with its statutory obligations.⁶ Because the record raises concerns regarding a lack of reasonable substitutes, a need for the retention of certain 900 numbers, and a need for additional time to fully transition to alternative providers in order to avoid a potential loss or disruption of service to customers, we find that the public interest will not be served by automatic grant of Sprint's application. Therefore, by this Public Notice, Sprint is notified that

³ See Jartel May 30 Letter at 2-3; Jartel Opposition at 1-8; NTS May 5 Letter at 1-2.

⁴ See Reply of Sprint Communications L.P., WC Docket No. 08-116, Comp Pol. File No. 871 at 3-4 (filed July 25, 2008) (Sprint Reply).

⁵ Sprint Reply at 4-6.

⁶ See 47 U.S.C. § 214(a); 47 C.F.R. § 63.71; see also *Federal Communications Comm'n v. RCA Communications, Inc.*, 346 U.S. 86, 90 (1953).

its application to discontinue domestic telecommunications services will not be granted automatically.⁷ We emphasize that our removal of Sprint's application from the automatic grant process should not be construed as a final determination on the merits of Sprint's request for authority to discontinue service.

We seek further information on the issues in the record, and hereby request comments no later than August 6, 2008. In particular, we seek comment on the availability of reasonable substitutes given commenters' suggestion that measures should be taken to preserve the telephone numbers currently in use in order to avoid customers from being forced out of the marketplace. We also seek comment regarding any alternative discontinuance date that would be reasonable and in the public interest, taking into account the concerns in the record as well as Sprint's claim that it is extremely expensive to maintain facilities for a small number of customers that generate only a de minimis amount of traffic.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules, 47 C.F.R. §§ 1.1200-1.1216. Comments should refer to WC Docket No. 08-116 and Comp. Pol. File No. 871. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the website for submitting comments. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

Parties who choose to file by paper must send an original and four copies of the comments to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

Two copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C140, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-1413, Attention: Carmell Weathers.

The application will be available for public inspection and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C.

⁷ See 47 C.F.R. § 63.71(c) ("The application to discontinue . . . shall be automatically granted on the 31st day . . . unless the Commission has notified the applicant that the grant will not be automatically effective.")

20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM. People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), carmell.weathers@fcc.gov, or Rodney McDonald, (202) 418-7513 (voice), rodney.mcdonald@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau. The tty number is (202) 418-0484. For further information on procedures regarding section 214 please visit [http://www.fcc.gov/wcb/cpd/other adjud](http://www.fcc.gov/wcb/cpd/other_adjud).

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