



PUBLIC NOTICE

Federal Communications Commission
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WIRELINE COMPETITION BUREAU SEEKS COMMENT ON SPRINT PETITION FOR DECLARATORY RULING ON VOIP ORIGINATED TRAFFIC

WC Docket No. 12-105

COMMENTS: June 14, 2012

REPLY COMMENTS: July 16, 2012

On April 5, 2012, Sprint Communications Company (Sprint) filed a petition for declaratory ruling raising a number of issues concerning the applicability of tariffed access rates to Voice over Internet Protocol (VoIP)-originated calls.¹ Specifically, Sprint asks the Commission to declare that: (1) for periods prior to December 29, 2011, “access tariffs filed with the Commission, including CenturyLink’s tariffs, did not impose compensation obligations on VoIP originated calls delivered over the public switched telephone network”;² (2) “because the VoIP originated traffic is jurisdictionally interstate, intrastate access tariffs cannot impose compensation obligations with respect to that traffic, even if those calls originate and terminate in the same state”;³ and (3) Sprint could not violate section 201(b) of the Communications Act⁴ when it compensated CenturyLink at \$0.0007 per minute, rather than at rates in CenturyLink’s switched access tariffs.⁵ The petition was filed to effectuate a referral from the United States District Court for the Western District of Louisiana, where CenturyLink filed a complaint against Sprint to enforce state and federal access tariffs with respect to VoIP-originated calls.⁶

Pursuant to sections 1.415 and 1.419 of the Commission’s rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. All pleadings are to reference WC Docket No. 12-105. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS).⁷ Two courtesy copies must be delivered to Belinda Nixon, Federal Communications Commission, Wireline Competition Bureau, Pricing Policy Division, 445 12th Street, SW, Room 5-A221, Washington, DC 20554, or via e-mail at belinda.nixon@fcc.gov.

¹ See Petition for Declaratory Ruling of Sprint Communications Company, WC Docket No. 12-105 (filed Apr. 5, 2012) (Petition).

² *Id.* at 3, 6-13.

³ *Id.* at 3, 13-14.

⁴ 47 U.S.C. § 201(b).

⁵ Petition at 3, 15.

⁶ *Id.* at 1-2; see also *CenturyTel of Chatham, LLC v. Sprint Communications Company L.P.*, No. 09-1951 (W.D. La.) at 3.

⁷ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

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.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes 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, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

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).

This Public Notice establishes certain procedural requirements relating to consideration of the Sprint Petition. This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁸ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

⁸ 47 C.F.R. §§ 1.1200 *et seq.*

For further information regarding this proceeding, contact Belinda Nixon, Pricing Policy Division, Wireline Competition Bureau, (202) 418-1520, or via e-mail at belinda.nixon@fcc.gov.

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