



Federal Communications Commission  
Washington, D.C. 20554

July 8, 2011

Charles W. McKee  
Vice President regulatory Affairs  
Federal and State Regulatory  
Sprint Nextel Corporation  
900 Seventh Street  
Suite 700  
Washington, D.C. 20001

Re: Ex parte presentation re *Sprint Communications  
Company, LP v. Northern Valley Communications, LLC*

Dear Mr. McKee:

This is a further response to the allegation of Northern Valley Communications, LLC (Northern Valley) that Sprint Nextel Corporation (Sprint) may have violated the Commission's ex parte rules. According to Northern Valley, Sprint's April 1, 2011 comments in WC Docket No. 10-90, which were not served on Northern Valley, address the merits of a restricted formal complaint proceeding that Sprint initiated against Northern Valley (EB-11-MD-003).<sup>1</sup> We have reviewed the declaration of Sprint's Senior Counsel for Government Affairs, Michael B. Fingerhut, who helped draft the Sprint comments.<sup>2</sup> We also conferred with Commission staff who participated in the meetings. We conclude that while the presentation constituted a prohibited ex parte presentation regarding a restricted proceeding, the violation does not call for any sanction beyond admonishing Northern Valley to be attentive to the ex parte rules in the future.

We recognize that the intent of Sprint's presentation may have been to urge the Commission to take action on the subject of intercarrier compensation in the context of rulemaking. Nonetheless, because Sprint's ex parte summary listed the allegations set forth in its complaint against Northern Valley, we cannot conclude that they were "inadvertently or casually

<sup>1</sup> We previously sought comment on this matter. See Letter from Joel Kaufman, Associate General Counsel to Charles W. McKee (May 11, 2011).

<sup>2</sup> See Letter from Charles W. McKee to Austin [Schlick], General Counsel (May 23, 2011), Attachment I.

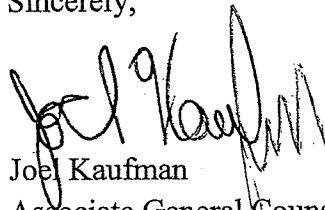
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made," as Mr. Fingerhut's letter suggests. We find that Sprint should have been more sensitive to Northern Valley's ex parte rights, but we see no intent by Sprint to cause actual prejudice to Northern Valley and find that none occurred, especially since Sprint's April 1 comments were filed publicly.

We will therefore take no further action in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Joel Kaufman". The signature is stylized and somewhat cursive.

Joel Kaufman  
Associate General Counsel and  
Chief, Administrative Law Division  
Office of General Counsel

cc:

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